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TITLE 3—THE PRESIDENT

PROCLAMATION 2734

SUPPLEMENTAL QUOTA ON IMPORTS OF EXTRA LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), and February 1, 1947 (No. 2715); and

WHEREAS the said proclamation of September 5, 1939, provides that the total quantity of cotton having a staple of 1⅛ inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 shall not exceed 45,656,420 pounds; and

WHEREAS the aforesaid limitation on the entry of cotton having a staple of 1⅛ inches or more in length was imposed after a finding by the President, on the basis of the investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton was being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

WHEREAS the imposition of the aforesaid annual quotas on cotton having a staple of 1⅛ inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length which may be entered for consumption or withdrawn from warehouses for consumption under the said proclamation of September 5, 1939, as modified, during the quota year ending September 19, 1947, has already been entered, or withdrawn from warehouse, for consumption; and

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the act of January 25, 1940, 54 Stat. 17, the United States Tariff Commission has made a supplementary investigation to determine whether changed circumstances require the modification of the said proclamation of September 5, 1939, so far as it limits the quantity of cotton having a staple of 1⅛ inches or more in length which may be entered for consumption or withdrawn from warehouse for consumption during the quota year ending September 19, 1947, particularly with reference to the possible need for an increase in the quota for the said quota year, in order to meet the current requirements of domestic manufacturers for long-staple cotton; and

WHEREAS in the course of the investigation, after due notice, a public hearing was held on February 18, 1947, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also trans-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] Proc. 2734.

CODIFICATION GUIDE—Con.

mitted a copy of such report to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity of 23,094,000 pounds of cotton having a staple of 1 3/8 inches or more but less than 1 11/16 inches in length be permitted entry during the quota year ending September 19, 1947, in order to enable domestic users to obtain their essential requirements for such cotton:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939, so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending September 19, 1947, of 23,094,000 pounds of cotton having a staple of 1 3/8 inches or more but less than 1 11/16 inches in length, in addition to the quantity of cotton having a staple of 1 1/8 inches or more but less than 1 11/16 inches in length the entry of which

has already been made under the said proclamation of September 5, 1939, during the said quota year, which additional quantity I find should be permitted entry to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the said proclamation of September 5, 1939, so as to permit during the quota year ending September 19, 1947, the entry for consumption, or withdrawal from warehouse for consumption, of an additional quantity of 23,094,000 pounds of cotton having a staple of 1⅜ inches or more but less than 1 1/16 inches in length, which additional quantity I hereby find and declare may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

This proclamation shall become effective on the fifth day after the date of its signature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of June in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-5645; Filed, June 11, 1947; 11:35 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 26—THE FEDERAL LAND BANK OF ST. LOUIS

FEES

Corrected Reprint

Section 26.1 *Partial release of security and release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans,* of Title 6, Code of Federal Regulations, is hereby revoked, effective March 28, 1947 (Res. of Ex. Com. Mar. 28, 1947).

Section 26.3 *Prepayment fees,* of Title 6, Code of Federal Regulations is hereby revoked, effective February 17, 1947 (Res. of Ex. Com. Feb. 5, 1947).

[SEAL]

FEDERAL LAND BANK OF ST. LOUIS,
By WALTER H. DROSTE,
President.

Attest:

E. B. HARRIS,
Assistant Secretary.

[F. R. Doc. 47-4585; Filed, May 15, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture [1]

[Gen. Order 5]

PART 705—ADMINISTRATION

ADOPTION BY THE SECRETARY OF AGRICULTURE OF REGULATIONS AND ORDERS OF THE OFFICE OF TEMPORARY CONTROLS (OFFICE OF PRICE ADMINISTRATION) RELATING TO SUGAR RATIONING AND SUGAR AND RICE PRICE CONTROL

Pursuant to the authority conferred upon the Secretary of Agriculture by law, including the Sugar Control Extension Act of 1947 and Executive Order No. 9841, it is ordered:

§ 705.105 *Adoption and approval by the Secretary of Agriculture of regulations and orders of the Office of Temporary Controls (Office of Price Administration) relating to sugar rationing and sugar and rice price control*—(a) *What this order does.* By the Sugar Control Extension Act of 1947, effective March 31, 1947, all powers, functions, and duties with respect to price control and rationing and allocation of sugar were transferred to the Secretary of Agriculture. By Executive Order 9841 the President transferred to the Secretary of Agriculture, effective May 4, 1947, all functions with respect to price control on rice. The Sugar Control Extension Act of 1947 and Executive Order 9841 also provide that all orders and regulations relating to the functions of sugar rationing and sugar and rice price control in force on the effective dates of the transfers of these functions were continued in effect until modified or revoked by the Secretary of Agriculture. In order to carry out the functions transferred to the Secretary by such act and Executive Order, the Secretary of Agriculture is adopting and approving all such regulations, orders, and other documents concerning or affecting sugar rationing and sugar and rice price control as regulations, orders, and documents of the Sugar Rationing Administration, Department of Agriculture. As it is not practicable at this time to individually reissue these regulations, orders, and other documents in the name of the Secretary of Agriculture, this general order provides for their adoption and approval by the Secretary in a single document.

(b) *Adoption and approval by the Secretary of Agriculture of certain Office of Temporary Controls (Office of Price Administration) regulations and orders.* All maximum price regulations, ration orders, procedural regulations, general orders, supplementary orders, manuals, or other internal operating instructions, and any other official documents or actions relating to or affecting sugar rationing or rice or sugar price control, which were issued or taken by or under the authority of the Temporary Controls Administrator, or by any other authorized official of the Office of Temporary Controls (Office of Price Administration) (including those ratified by the Temporary Controls Administrator by order dated December 19, 1946, 11 F. R. 14704) which were, with respect to sugar rationing and price control, in effect on March 31, 1947, and which were, with respect to rice price control, in effect on May 4, 1947, are, in accordance with the Sugar Control Extension Act of 1947 and Executive Order No. 9841, hereby adopted, ratified, and confirmed, and shall remain in full force and effect until they expire by their terms, or are revoked, modified, or amended by the Secretary of Agriculture: *Provided, however,* That any actions heretofore taken by the Secretary of Agriculture, or any official duly authorized by him, with respect to such documents or actions, shall remain in full force and effect until they expire by their terms, or are revoked, modified, or amended by the Secretary or such official as may be authorized by him.

This General Order No. 5 shall become effective June 5, 1947.

(Pub. Law 30, 80th Cong., 1st session; E. O. 9841, 12 F. R. 2645)

Issued this 5th day of June 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5639; Filed, June 11, 1947; 10:32 a. m.]

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.

[Gen. Order 6]

PART 705—ADMINISTRATION

EXEMPTION FROM PRICE CONTROL OF CERTAIN SUGAR PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.106 *Exemption from price control of certain sugar products.* Notwithstanding the provisions of any price regulation or order heretofore issued, syrup blends containing 10% or more by weight or volume of maple sugar or maple syrup are exempt from price control.

This General Order No. 6 shall become effective June 11, 1947.

(Pub. Law 30, 80th Cong., 1st session)

Issued this 6th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying General Order No. 6

The accompanying General Order No. 6 exempts from price control syrup blends containing 10% or more by weight or volume of maple sugar or maple syrup.

This action is taken as a supplement to the action taken October 24, 1946, decontrolling most food items, including pure maple syrup. Syrup blends containing maple syrup, however, were kept under price control in order to prevent a possible diversion of sugar cane syrups to the production of maple syrup blends. It is now believed that this diversion, if any, can only be minimal where syrup blends contain at least 10% maple syrup or maple sugar. This is because the total production of maple syrup is very small in terms of production of cane and other syrups. For this reason, the Sec-

retary has determined that these maple syrup blends, which are unimportant in business or living costs, should be exempt from price controls, as the pure maple syrup has been.

[F. R. Doc. 47-5637; Filed, June 11, 1947; 10:31 a. m.]

[RMPR 291,[1] Amdt. 13]

PART 710—FOOD PRICES

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 291 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1351.1351 of Title 32, Chapter XI, is designated Revised Maximum Price Regulation No. 291 issued under § 710.291, Title 32, Chapter VII, pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respects:

1. In section 2 (d) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls."

2. In section 8 (c) (3) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration."

3. In the last sentence of section 8 (e) (1) the words "pursuant to paragraph (f) of this section" are deleted.

4. In the last sentence of section 8 (e) (2) the words "pursuant to paragraph (f) of this section" are deleted.

5. Section 8 (f) is amended to read as follows:

(f) *Reports.* (1) Within 30 days after a person starts packing any blend of syrup containing country cane syrup he shall, if he has not already reported this information to the Office of Price Administration, report to the Price and Supply Division, Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., the exact percentage by volume of all syrups which he packed in each of his blends on the 2d day of March 1943, or prior thereto when he last packed such blend, or if he did not pack country cane syrup in blends at that time or prior thereto, the exact percentage by volume of all syrups in each blend when he began packing such blends.

(2) Any packer who desires to change the percentage of country cane syrup pursuant to paragraph (e) of this section, shall report to the Price and Supply Division, Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., at or prior to the time that he first makes such change in his blend, (1) the brand name and percentage of country cane syrup in the blend from which he is changing, (2) the amount of country cane syrup in the blend on the 2d day of March 1943, which he reported either to the Office of Price Administration or to the Sugar Rationing Administration, Department of Agriculture, (3) the amount of country cane syrup which he now intends to pack in the blend, and (4) a statement that he has complied with the provisions of this section.

6. Section 8a is amended to read as follows:

SEC. 8a. *Sales of blends of syrups by packers on and after June 11, 1947.* On and after June 11, 1947, a packer's maximum price for any item of a blend of syrups containing at least 5% country cane syrup by volume shall be:

(a) His maximum price for that item as established under this regulation prior to August 30, 1946;

(b) Plus an amount calculated as follows:

(1) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(2) Multiply each of the net weights found in (1) by the applicable amount set out in the following table:

Pure syrups:	*Permitted increase per pound*
Corn syrup	$0.0242
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.0017
Direct consumption sugar, solid content	.0280
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

(3) Total the results obtained in (2).

(4) From the figure obtained in (3) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item.

7. In the first sentence of section 9 (c) the words "Price and Supply Division, Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Sugar Branch, Price Department, Office of Price Administration, Office of Temporary Controls."

8. In section 9, the final sentence following subparagraph (5) of paragraph (c), is amended to read as follows: "Maximum prices calculated as above shall be deemed approved on the 15th day following the receipt of report by the Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., if no objection is made within that time by the Sugar Rationing Administration."

9. In section 9 (e) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls."

10. The first two sentences in section 11 (b) are amended to read as follows: "If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Regional Office of the Sugar Rationing Administration. The Administrator of the Sugar Rationing Administration, the Regional Sugar Executives of Regions 2, 3, 5, 6 and 8, and the Deputy Regional Sugar Executive of Region 4 may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:"

11. The first two sentences of section 12 (b) are amended to read as follows: "If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Regional Office of the Sugar Rationing Administration. The Administrator of the Sugar Rationing Administration, the Regional Sugar Executives of Regions 2, 3, 5, 6 and 8, and the Deputy Regional Sugar Executive of Region 4 may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:"

12. Section 12a is redesignated section 12b and is amended by deleting the word "OPA" and substituting the words "Sugar Rationing Administration, Department of Agriculture" for the words "Office of Price Administration" in the "Notice to Wholesalers and Retailers" therein.

13. A new section 12a is added to read as follows:

SEC. 12a. *Additions permitted for increased packaging costs*—(a) *Barrels and half-barrels.* On and after June 11, 1947, the maximum prices established by this regulation for sales of any item of syrups or molasses when sold in wooden barrels or half-barrels furnished by the seller may be increased by $0.08 per gallon.

(b) *Tin or glass containers.* On and after June 11, 1947, the maximum price established by this regulation for sales of any item of syrup or molasses when sold in tin or glass containers furnished by the seller may be increased by an amount equal to the seller's increase in cost on June 11, 1947, over the cost on January 1, 1946, per case or other sales unit for the same packaging materials. Packaging materials means tin or glass containers, caps, labels and cartons. Cost means the amount paid for the most recent typical purchase, prior to the applicable date.

14. Sec. 14 is amended to read as follows:

SEC. 14. *Enforcement.* Any person who violates any provision of this Revised Maximum Price Regulation No. 291 is subject to the criminal penalties and civil enforcement actions provided by the "Sugar Control Extension Act of 1947."

15. In section 15 the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls" wherever they appear, and the words "and the 'Sugar Control Extension Act of 1947'" are inserted after the words "Emergency Price Control Act, as amended."

[1] 8 F. R. 16508

16. Sections 16 (a) (2) and 16 (a) (3) are deleted.

17. In section 18 the paragraph designation "(a)" is deleted, the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls", and the words "Sugar Control Extension Act of 1947" are substituted for the words "Emergency Price Control Act of 1942, as amended."

This amendment shall become effective June 11, 1947.

(Pub. Law 30, 80th Cong., 1st session)

Issued this 6th day of June, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 13 to Revised Maximum Price Regulation 291 and Amendment No. 24 to Supplementary Regulation 14C to the General Maximum Price Regulation

The accompanying amendments to Revised Maximum Price Regulation 291 and Supplementary Regulation 14C change the pricing of syrups and molasses covered by these regulations in several respects:

1. The ceiling prices for commercial cane syrup, country cane syrup, first and second molasses, refiners syrups, and all blends of syrups subject to these regulations are increased by 8 cents per gallon when packed in wooden barrels or half-barrels furnished by the seller.

2. Ceiling prices for the same items when packed in tin or glass containers furnished by the seller are increased by an amount equal to the seller's increase in cost per selling unit for packaging materials as determined by his most recent typical purchase prior to June 11, 1947, over the cost of his most recent typical purchase prior to January 1, 1946. The packaging materials considered are tin or glass containers, caps, labels and cartons.

3. Ceiling prices for sales of blends of syrup are further increased by $.0025 per pound of direct consumption sugar, solid content contained in the blend.

4. Various non-substantive changes are made to make the regulations consistent with the fact that jurisdiction over price control is now vested in the Sugar Rationing Administration of the Department of Agriculture, rather than in the Office of Temporary Controls (Office of Price Administration).

This action has been brought on by various increased costs to sellers who package syrups, molasses and blends. The extent of these increased costs has been such as to substantially reduce profits margins for most packers and to actually cause losses on various products for others. The need for this action has been intensified since November 1946 when the ceiling prices for barrels and packaging materials were removed. Prior to that there had been substantial increases in ceiling prices, particularly for wooden barrels.

The increase of 8 cents per gallon for products packed in wooden barrels and half-barrels represents the equivalent of the approximate increase in the cost of new wooden barrels since 1942. No attempt is made to limit the increase to new barrels because of the possible evasions and other difficulties which would arise from having different sets of prices depending on the newness of the container. It is doubtful that anything would be gained by now establishing such a differential for the first time.

The packaging material increase provided to packers in tin or glass containers should provide adequate relief. The greatest increases in these items have come since January 1, 1946 with costs remaining fairly stable during the price control years prior to that date.

The increase allowed for syrup blends for direct consumption sugar represents the increased cost of this item since January 17, 1947. Previous sugar increases have been reflected in blended syrup maximum prices.

The commodities for which maximum prices have been increased by these actions are not significant in business costs or the cost of living. Any attempt to obtain exact figures as to the amount necessary to assure production of these items at no loss would be fraught with serious administrative difficulties, and would consume an inordinate amount of time far beyond the contribution to the sugar control program which might be effectuated. Although increases to the full extent herein allowed and contemplated are probably in excess of the amount required to assure total costs to the industries or segments of industries involved, it is believed that the adjustments will place affected syrup and molasses packers on a normal profit basis with other syrup packers and with packers of bulk syrups. To whatever extent these increases, in some instances, may raise maximum prices beyond the level required by law cannot be exactly determined. Nevertheless, the action is necessary, in the judgment of the Secretary, to correct maladjustments which would interfere with the effective transition to a peacetime economy.

Notice is still required to be given to wholesalers and retailers of any changes in maximum prices of items covered by Revised Maximum Price Regulation 291 and Supplementary Regulation 14C.

[F. R. Doc. 47-5638; Filed, June 11, 1947; 10:31 a. m.]

[SR 14C,[1] Amdt. 24]

PART 710—FOOD PRICES

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Regulation No. 14C to the General Maximum Price Regulation issued by the Office of Price Administration under § 1499.76 of Title 32, Chapter XI is designated Supplementary Regulation No. 14C issued under § 710.76, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respects:

1. Section 4.9 (a) is amended to read as follows:

(a) (1) *Maximum prices which blenders of syrups may charge.* Maximum prices which a blender may charge for any item of blended syrups except those containing 10 percent or more of maple syrup or 5 percent or more of country cane syrup, shall be his maximum price as established under § 1499.2 of the General Maximum Price Regulation plus an amount calculated as follows:

(i) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(ii) Multiply each of the net weights found in (i) by the applicable amount set out in the following table:

Pure syrups:	*Permitted increase per pound*
Corn syrup	$0.0242
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.0017
Direct consumption sugar, solid content	.0280
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

(iii) Total the results obtained in (ii);

(iv) From the figure obtained in (iii) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item.

(2) *Additions permitted for increased packaging costs.* To the maximum prices established in subparagraph (1) above the following may be added:

(i) $0.08 per gallon when sold in wooden barrels or half barrels furnished by the seller;

(ii) An amount equal to the seller's increase in "cost" of "packaging materials" on June 11, 1947, over the cost on January 1, 1946, per case or other sales unit for the same packaging materials, when sold in tin or glass containers. "Packaging materials" means tin or glass containers, caps, labels and cartons. "Cost" means the amount paid for the most recent typical purchase prior to the applicable date.

2. Section 4.9 (c) is amended by deleting the word "OPA" and by substituting the words "Sugar Rationing Administration, Department of Agriculture" for the words "Office of Price Administration" in the "Notice to Wholesalers and Retailers" therein.

3. Section 4.9 (d) is revoked.

4. Section 4.10 (a) (1) (iii) is added to read as follows:

(iii) Plus the sum of eight cents per gallon for sales in wooden barrels or half barrels furnished by the seller.

[1] 11 F. R. 14163.

This amendment shall become effective June 11, 1947.

Issued this 6th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 13 to Revised Maximum Price Regulation 291 and Amendment No. 24 to Supplementary Regulation 14C to the General Maximum Price Regulation

The accompanying amendments to Revised Maximum Price Regulation 291 and Supplementary Regulation 14C change the pricing of syrups and molasses covered by these regulations in several respects:

1. The ceiling prices for commercial cane syrup, country cane syrup, first and second molasses, refiners syrups, and all blends of syrups subject to these regulations are increased by 8 cents per gallon when packed in wooden barrels or half-barrels furnished by the seller.

2. Ceiling prices for the same items when packed in tin or glass containers furnished by the seller are increased by an amount equal to the seller's increase in cost per selling unit for packaging materials as determined by his most recent typical purchase prior to June 11, 1947 over the cost of his most recent typical purchase prior to January 1, 1946. The packaging materials considered are tin or glass containers, caps, labels and cartons.

3. Ceiling prices for sales of blends of syrup are further increased by $.0025 per pound of direct consumption sugar, solid content contained in the blend.

4. Various non-substantive changes are made to make the regulations consistent with the fact that jurisdiction over price control is now vested in the Sugar Rationing Administration of the Department of Agriculture, rather than in the Office of Temporary Controls (Office of Price Administration).

This action has been brought on by various increased costs to sellers who package syrups, molasses and blends. The extent of these increased costs has been such as to substantially reduce profit margins for most packers and to actually cause losses on various products for others. The need for this action has been intensified since November 1946 when the ceiling prices for barrels and packaging materials were removed. Prior to that there had been substantial increases in ceiling prices, particularly for wooden barrels.

The increase of 8 cents per gallon for products packed in wooden barrels and half-barrels represents the equivalent of the approximate increase in the cost of new wooden barrels since 1942. No attempt is made to limit the increase to new barrels because of the possible evasions and other difficulties which would arise from having different sets of prices depending on the newness of the container. It is doubtful that anything would be gained by now establishing such a differential for the first time.

The packaging material increase provided to packers in tin or glass containers should provide adequate relief. The greatest increases in these items have come since January 1, 1946 with costs remaining fairly stable during the price control years prior to that date.

The increase allowed for syrup blends for direct consumption sugar represents the increased cost of this item since January 17, 1947. Previous sugar increases have been reflected in blended syrup maximum prices.

The commodities for which maximum prices have been increased by these actions are not significant in business costs or the cost of living. Any attempt to obtain exact figures as to the amount necessary to assure production of these items at no loss would be fraught with serious administrative difficulties, and would consume an inordinate amount of time far beyond the contribution to the sugar control program which might be effectuated. Although increases to the full extent herein allowed and contemplated are probably in excess of the amount required to assure total costs to the industries or segments of industries involved, it is believed that the adjustments will place affected syrup and molasses packers on a normal profit basis with other syrup packers and with packers of bulk syrups. To whatever extent these increases, in some instances, may raise maximum prices beyond the level required by law cannot be exactly determined. Nevertheless, the action is necessary, in the judgment of the Secretary, to correct maladjustments which would interfere with the effective transition to a peacetime economy.

Notice is still required to be given to wholesalers and retailers of any changes in maximum prices of items covered by Revised Maximum Price Regulation 291 and Supplementary Regulation 14C.

[F. R. Doc. 47-5640; Filed, June 11, 1947; 10:32 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 336]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) of this section is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Rubber (natural, allied gums and synthetics) and manufactures:
200100	Crude rubber (dry rubber content) (include Hevea, Caucho, Guayule, Para, smoked ribbed sheets, crepe rubber and milk or latex).
209800	Liquid rubber compounds of natural rubber.
	Pigments, paints, and varnishes:
842300	Carbon black, channel type, for rubber end use.
842300	Carbon black, channel type, for end use other than rubber.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

This amendment shall become effective June 1, 1947.

Dated: May 19, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-5559; Filed, June 11, 1947; 8:54 a. m.]

[Amdt. 337]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) of this section is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Hides and skins, raw, except furs:
020104	Cattle hides, wet, under 55 lbs.
020602	Calf skins, dry.
020604	Calf skins, wet.
020702	Kip skins, dry.
020704	Kip skins, wet.
025012	Goat skins.
025016	Kid skins.
	Leather:
	Upper leather (except lining and patent):
	Cattle, side upper:
030000	Grain, black.
030100	Grain, other.
	Calf and kip:
030410	Sides, black.
030420	Whole skins, black.
030510	Sides, other.
030520	Whole skins, other.
	Goat and kid (include glazed kid):
030800	Black.
030900	Other.
	Patent upper leather:
031210	Cattle (include kip and calf side).
031950	Goat and kid.
031950	Whole calf and whole kip.
	Lining leathers:
032300	Calf and kip.
032300	Cattle.
032300	Goat and kid.
	Boot and shoe cut stock:
	Cut stock other than outer soles (include inner soles, heels, lifts, counters, box toes, rands, uppers, etc.; specify by name):
032800	Calf and kip.
032800	Goat and kid.
	Glove and garment leather (hat leather included):
033950	Calf and kip.
033950	Cattle.
033950	Goat.
	Handbag leather (report reptilian, aquatic and fancy leather in 035700):
035650	Cattle.
035650	Coat and kid.
035650	Other handbag leather, except lamb and sheep.
	Iron and steel manufactures:
615000	Domestic conversion oil burners, up to and including 6 gallons hourly capacity).

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

This amendment shall become effective June 1, 1947.

Dated: May 28, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-5558; Filed, June 11, 1947; 8:54 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 5, Amdt. 1]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, March 17, 1947, entitled "Surplus Real Property" (12 F. R. 2028), is hereby amended in the following respects:

1. Section 8305.13 (a) is amended to read as follows:

(a) *General.* Except as otherwise authorized by the Administration or as otherwise provided in this section, the disposal agency shall in all cases establish the fair value of the property assigned to it for disposition: *Provided, however,* That in those cases in which the property is classified as airport property and is to be disposed of to a State or local government, or is property which it is contemplated will be transferred to a Federal agency without reimbursement or transfer of funds, no estimate need be made of the value of the property.

2. Section 8305.13 (b) is amended to read as follows:

(b) *Property to be acquired through exercise of former owner's and tenant's priority.* In connection with the sale of section 23 real property to a former owner or tenant entitled to a priority therein, the disposal agency shall determine the sale price, which price shall be the lower of (1) the market price, or (2) the acquisition price adjusted to reflect any increase or decrease in the value of the property resulting from action by the United States.

3. Section 8305.14 (b) is amended to read as follows:

(b) *Notice to priority holders.* At the time of the first publication of the advertising required by this section, or where advertising is not required under the provisions of paragraph (a) of this section, notice shall be sent by mail to all Government agencies listed in Exhibit A of this part. Except in such cases where advertising is not required, notice also shall be sent by mail to the State, political subdivision thereof, and any municipality in which the property is located and, in the case of harbor, port terminal, or airport property, to municipalities in the vicinity thereof. In addition, notice should be sent by mail to any other State or local government, or to any nonprofit institution which has expressed an interest in the property. Where, however, a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is necessary. In those cases where the former owner is afforded a priority, the disposal agency, at the time of the first publication of such notice, shall send a copy thereof to the former owner at his last-known address by registered mail, with return receipt requested, except in those cases where the holder of a higher priority has indicated its intention to exercise its priority to acquire the property.

4. Section 8305.14 (d) is amended to read as follows:

(d) *Cut-off date.* Except as otherwise authorized by the Administration, all advertisements published pursuant to the requirements of this section shall contain a cut-off date for the submission of offers.

5. Section 8305.18 is amended by the addition of two new paragraphs at the end thereof, identified as (e) and (f), to read as follows:

(e) *Rights-of-way.* The price to be paid by State or local governments for the acquisition of rights-of-way for highways or streets over surplus section 23 real property, pursuant to section 13 (e) of the act, shall be a price not exceeding that paid therefor by the Government.

(f) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus section 23 real property at a price fixed by the disposal agency, after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

6. The last sentence of § 8305.20 (b) is amended to read as follows: "Any deed, lease, or other instrument executed to dispose of property under this part, subject to reservations, restrictions, or conditions, as to the future use, maintenance, or transfer of the property, shall unless otherwise authorized by the Administration, recite all representations and agreements pertaining thereto; and may contain a provision to the effect that, upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferees, the title, right of possession, or other right disposed of, shall, at the option of the Government, revert to the Government upon demand."

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265)

This amendment shall become effective June 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 6, 1947.

[F. R. Doc., 47-5646; Filed, June 11, 1947; 11:56 a. m.]

[Reg. 9]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

Surplus Property Administration Regulation 9, October 12, 1945, as amended through September 9, 1946, entitled "Contractor Inventory and Disposals by Owning Agencies" (10 F. R. 12961, 14966; 11 F. R. 3691, 10221) is hereby revised and amended as herein set forth as War Assets Administration Regulation 9. Order 1, October 12, 1945 (10 F. R. 12965), Order 3, November 16, 1945 (10 F. R. 14404), Order 5, September 9, 1946 (11 F. R. 10222), Order 6, November 27, 1946 (11 F. R. 14108), and Order 7, November 27, 1946 (11 F. R. 14105) under this part shall remain in full force and effect.

GENERAL PROVISIONS

AUTHORITY: §§ 8309.1 to 8309.20 inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8309.1 *Definitions*—(a) *Terms defined in Surplus Property Act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Administration" means the War Assets Administration acting by or through the War Assets Administrator or a designated official to whom ministerial functions under this part have been delegated by the Administrator.

(2) "Administrator" means the War Assets Administrator.

(3) "Care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, pre-

serving, protecting, insuring, storing, packing, handling, and transporting, and in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(4) "Best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published, and to the circumstances, nature, condition, quantity, and location of the particular property.

(5) "Contract" includes subcontracts and "contractor" includes subcontractors.

(6) "Contractor inventory" means (i) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; (ii) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (iii) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(7) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(8) "Property" means any interest, owned by the United States or any Government agency, in personal property, of any kind, wherever located, but does not include naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines.

(9) "Retain" or "retention" includes any purchase by the war contractor in possession of contractor inventory to which the Government has title, as well as retention of contractor inventory to which the contractor has title.

(10) "Reviewing authority" means a local, regional or departmental board of review of a Government agency; it may consist of one or more persons.

(11) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs or alteration. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations.

(12) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(13) "Scrap warranty" means a written warranty by a buyer that property purchased or retained as scrap will in fact be sold or used by the buyer only as scrap. When a scrap warranty is required by this part it shall provide as follows:

> The undersigned represents and warrants to the United States that the property covered by this agreement was offered as scrap, that he is purchasing or retaining it only as scrap and that he will sell and ship or use it only as scrap, either in its existing condition or after further preparation.

(14) "Serviceable property" means property that has reasonable prospect of sale for use as a unit either in its existing form or after minor repairs; it includes raw materials, primary forms and shapes and mill products.

(15) "Unserviceable property" means scrap, salvage, and other property that has no reasonable prospect of sale for use as a unit either in its existing form or after minor repairs.

§ 8309.2 *Limitation of application.* Nothing in this part applies to disposals or retentions of the following kinds:

(a) Disposals or retentions of property located outside of the continental United States, its territories and possessions;

(b) Disposals or retentions of plant equipment, as that term is defined in § 8306.1,[1] except when sold as scrap or in small lots as provided herein;

(c) Disposals or retentions of real property;

(d) Disposals or retentions of Government-owned buildings on land owned by or leased to the United States, including any facilities and equipment which are an integral part thereof;

(e) Disposals or retentions of property in no-cost settlements of terminated contracts.

CONTRACTOR INVENTORY

§ 8309.3 *Owning agencies empowered to authorize retentions or disposals.* In order to further the objectives of the act by assuring the most effective use of Government-owned property for war purposes, aiding in facilitating the transition from wartime to peacetime production and employment, encouraging and fostering postwar employment opportunities, promoting production and disposing of surplus property as promptly as feasible without fostering monopoly or restraint of trade or unduly disturbing the economy or encouraging hoarding, the Administrator hereby empowers each owning agency to authorize any contractor with such agency or subcontractor thereunder that is in possession of any contractor inventory to retain or dispose of such contractor inventory as provided in this part.

§ 8309.4 *Pretermination arrangements.* (a) To the maximum extent practicable, decisions for the retention or disposal by contractors of all types of contractor inventories shall be made in advance of termination by means of pretermination agreements or otherwise. Provisions may be included in pretermination agreements for the determination of what property shall be considered to be scrap and for the retention or disposal of all types of property by the contractor. Pretermination agreements may also provide for the care and handling and removal of contractor inventories and for the classes of property that the owning agency will take over. In order to protect the interests of the Government, owning agencies shall institute appropriate reviewing procedures relating to scrap determination and disposal provisions of pretermination agreements.

(b) Price provisions in pretermination agreements shall comply with the following rules:

(1) Any property, except scrap, which is to be retained by the contractor for his own use may be retained at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale. The agreement shall contain in connection with each such retention a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, maintenance or repair purposes and that he is not retaining it for the purpose of reselling it at a profit.

(2) Any property, except scrap, which is to be retained by the contractor not for his own use may be retained at either (i) prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale, but in no event less than fifty (50) percent of cost (estimated if not known) or (ii) market prices.

(3) Any property to be retained by the contractor as scrap may be retained at market prices, with or without a scrap warranty.

(4) All prices referred to in this paragraph (b) may be determined either as of the time of the agreement or the time of termination.

(c) The provisions of this section shall apply to pretermination agreements entered into on or after July 1, 1945.

§ 8309.5 *Retentions and sales at cost.* Retentions or sales by a contractor of any item of contractor inventory at cost shall be deemed to comply with the provisions of §§ 8309.7 to 8309.11, inclusive.

§ 8309.6 *Retentions by contractors of $100 items or groups.* The retention for use or resale of any item or group of identical items the cost of which (estimated if not known) does not exceed $100 may be authorized at twenty-five (25) percent of cost in any case in which the contractor retains all such items or groups of identical items of contractor inventory under any one contract. Owning agencies shall establish spot checking and other reasonable procedures to guard against abuses under any such authority.

§ 8309.7 *Retentions by contractors for own use.* Contractors should be encouraged to retain as large amounts as pos-

[1] Reg. 6 (12 F. R. 2363); § 8306.1 (b) (3) reads as follows: "'Plant equipment' means any property which is located in a war contractor's plant and is covered by a facilities contract, except land and buildings." § 8306.1 (b) (1) reads as follows: "'Facilities contract' means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products."

sible of all types of contractor inventories for use for their manufacturing, construction, maintenance or repair purposes. It is the policy of the Administrator that subcontractors shall be permitted to retain, as against their upper tier contractors, such contractor inventories as they desire, for the purposes and at the prices specified in this section, and exceptions from this policy shall be permitted only in cases where contract rights of upper tier contractors make it necessary; owning agencies shall take appropriate steps to bring this policy to the attention of subcontractors. There shall be obtained in connection with each retention under this section a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, maintenance, or repair purposes, and that he is not retaining it for the purpose of reselling it at a profit, except that no such representation is required with respect to retentions of property which is retained under § 8309.6 or consists of a small lot as described in § 8309.8 or is a part of a small inventory, as described in § 8309.9. Such retentions shall be at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale at such time. In order to protect the interests of the Government, appropriate reviewing procedures shall be instituted by owning agencies. Retentions of property by a contractor not for his own use but for later resale shall be treated as sales and shall be governed by the requirements of the appropriate provisions of §§ 8309.8 to 8309.11, inclusive.

§ 8309.8 *Sales by contractors; small lots.* (a) The sale (including retention for resale) of any item or group of items in contractor inventory at any location which an owning agency determines to be substantially similar may be authorized at the best price obtainable when the cost (estimated, if not known) of all such items available for sale at any one time at such location and resulting from any one termination does not exceed $300, *Provided, however,* That any group of items consisting of all the identical items of contractor inventory under any one contract, the cost of which group (estimated if not known) does not exceed $100 may be considered to be a small lot.

(b) Any owning agency is authorized to sell at the best price obtainable any small lot of contractor inventory not retained or sold by the contractor.

§ 8309.9 *Sales by contractors; small inventories.* (a) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at the best price obtainable whenever the total of the termination claim of a contractor (deducting amounts payable for completed articles at the contract price and for claims of subcontractors but not deducting disposal credits) is less than $10,000; but completed articles not delivered under the contract and items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such articles and Government-furnished items to be sold and the amount of the termination claim (computed as set forth above in this paragraph) total less than ten thousand (10,000) dollars.

(b) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at a price that is fair and reasonable whenever the net termination claim of a contractor (after disposal credits but including amounts payable for completed articles not delivered under the contract and for claims of subcontractors) is less than one thousand (1,000) dollars, but items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such items to be sold and the amount of the net termination claim (computed as set forth above in this paragraph) total less than one thousand (1,000) dollars.

§ 8309.10 *Sales by contractors: unserviceable property.* (a) Unless property affirmatively appears to be serviceable, it shall be considered to be unserviceable property and shall be sold on the open competitive market in accordance with the provisions of this section.

(b) Primary responsibility for determining whether contractor inventory is serviceable or unserviceable rests with the owning agencies. Each agency shall provide procedures for reference to a reviewing authority before classifying as unserviceable, property included in any one inventory and located at any one place, when the cost (estimated if not known) of such property is twenty-five thousand (25,000) dollars or more.

(c) Disposals of unserviceable property in all cases, except those falling within §§ 8309.5 to 8309.10, inclusive, shall be in accordance with the following policies:

(1) Sales (including retentions for resale) shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. A scrap warranty may be required by the owning agency whenever it deems such course desirable.

(2) Upon a determination by the responsible officer, approved by a reviewing authority, that any given property is scrap, such property may be disposed of as such. Whenever the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap, such property may without further review be disposed of as such. Such certification shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap, and it is requested that sale be effected in accordance with the provisions of War Assets Administration Regulation No. 9 without further review of such determination.

(3) In exceptional cases or classes of cases, upon a scrap determination or certification pursuant to subparagraph 2 of this section, in each instance and upon a determination by the responsible officer, approved by a reviewing authority, that it would be in the best interests of the Government to dispose of such scrap by negotiated sale, such property may be so disposed of at the best price obtainable. In all such sales a scrap warranty shall be required of the buyer.

§ 8309.11 *Sales by contractors: serviceable property.* Disposals of serviceable property in contractor inventory in all cases, except those falling within §§ 8309.4 to 8309.9 inclusive, and § 8309.12 shall be in accordance with the following policies:

(a) Sales (including retentions for resale) shall be made under rules and regulations prescribed by the owning agencies which shall contain a provision, among others, that in all cases where the amount of serviceable property that will be available for sale at any one time at any one location is estimated to be ten thousand (10,000) dollars or more (based on cost), notice shall be given by publication in a newspaper of general circulation in the locality, indicating in general terms the types of serviceable property that are expected to be available for sale and naming a date (not less than seven days from the date of first publication) on or after which such property will be available for sale. Sales shall so far as feasible be made in reasonably sized lots.

(b) Sales (including retentions for resale) shall be at the best price obtainable but not less than fifty (50) percent of cost (estimated if not known).

(c) Property which cannot be disposed of within a reasonable period of time on the terms stated in paragraph (b) of this section may be sold at the best price obtainable to any buyer who will consume or use the property in the United States for manufacturing, construction, maintenance or repair purposes. In connection with such sale there shall be obtained from the buyer a written representation that he intends so to use or consume the property and that he is not purchasing it for the purpose of reselling it at a profit.

§ 8309.12 *Used plant equipment in contractor inventory: pricing policy.* The retention or sales price for machine tools, machines, and other classifications of plant equipment for which fixed price schedules are prescribed in or pursuant to Part 8306 of this chapter shall be determined by such fixed price schedules, except in cases falling within §§ 8309.8 and 8309.9.

§ 8309.13 *Destruction or abandonment of worthless property.* An owning agency may authorize any contractor to destroy or abandon any contractor inventory in his possession when, in the opinion of the owning agency, such property is worthless. Whenever the cost of the property to be destroyed or abandoned as worthless is more than one thousand (1,000) dollars, before giv-

ing such approval, a representative of the owning agency must certify that reasonable efforts have been made to dispose of the property without success by offering such property to at least three persons who deal in that type of scrap or property, or that such offers would be useless, and that in his opinion the property is worthless or that the cost of sale would exceed the proceeds thereof and that the item should be destroyed or abandoned.

§ 8309.14 *Contractor inventory in possession of owning agency.* When any owning agency takes possession of any contractor inventory, all property in such inventory shall be declared surplus as promptly as possible in accordance with the provisions of Part 8301 [5] of this chapter unless it is utilized for supply or otherwise disposed of by the owning agency under authority of or as permitted by the act or this part.

DISPOSALS BY OWNING AGENCIES

§ 8309.15 *Sale of small lots.* (a) The Administrator believes that the cost of care, handling, and disposition of small lots of property will generally exceed the proceeds of sale, and that small lots should therefore, in accordance with sections 13 (b) and 14 (b) of the act, be disposed of by owning agencies rather than declared to disposal agencies as surplus. It is recognized that the definition of what constitutes a small lot and the cost of care, handling, and disposition will vary according to the nature of the property. Therefore, the Administrator may from time to time issue orders hereunder setting forth standards to be applied and procedures to be followed in connection with small lots of various classes of property.

(b) Except as specified in any order issued under paragraph (a) of this section, any owning agency is authorized to sell at the best price obtainable small lots in its possession at any one place at any one time. Such small lots should not be declared surplus to disposal agencies except in special cases and upon mutual agreement between the owning and disposal agency. A small lot shall consist of any item or group of identical items, normally constituting a single entry on WAA Form 1001,[6] the cost of which (estimated if not known) does not exceed one hundred (100) dollars. Notwithstanding the foregoing, if, in the opinion of a disposal agency, such disposition of small lots of any given type of property interferes with the orderly marketing of such type of property by it, such agency may direct the owning agencies to cease sales of such property and to report such property as surplus pursuant to the act.

(c) (1) Where property is of such a nature and in such small quantities, that the owning agency finds that the cost of care, handling, and disposition of such property may exceed the estimated proceeds of sale if declared surplus, then in such event and upon such finding, the owning agency is authorized to sell at the best price obtainable any item or group of identical items, normally constituting a single entry on WAA Form 1001, the cost of which (estimated if not known) does not exceed three hundred (300) dollars, *Provided*, That the property has not been determined to be a "special case" and therefore to be declared surplus as provided in Order 5 under this part.

(2) In making its finding as to the cost of care, handling, and disposition of property pursuant to subparagraph (1) of this section, the owning agency may request the advice and assistance of the appropriate disposal agency.

§ 8309.16 *Sale of waste, salvage, scrap, and products of research and other operations.* (a) To the extent provided in section 14 (b) of the act, any owning agency may sell:

(1) Any waste, salvage, or scrap. The terms "salvage" and "scrap" are defined in § 8309.1.

(2) Any product of research, agricultural, or livestock operations carried on by such agency.

(b) The Administrator hereby restricts the authority of owning agencies to dispose of any other class of surplus property specified in section 14 (b) of the act.

(c) Except as otherwise required by paragraph (d) of this section, all sales made pursuant to this section shall be made at the best price obtainable.

(d) All sales of scrap and salvage made pursuant to this section shall be in accordance with the following policies:

(1) Procedures shall be provided for reference to a reviewing authority before classifying as scrap or salvage property (except production scrap) located at any one place at any one time when the cost (estimated if not known) of such property is twenty-five thousand (25,000) dollars or more. In any event, when the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap or salvage respectively, the owning agency should forthwith and without further review dispose of such property in accordance with the provisions of this part. Such certification may be given at any time before the property has been physically transferred to the disposal agency, and should whenever possible be given before the property is declared surplus. If the certification is prior to the time that the property is declared surplus, it shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap,[4] and it is requested that sale be effected in accordance with the provisions of War Assets Administration Regulation 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, it shall be made by forwarding to the owning agency WAA Form 1001.1,[6] listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc.

(2) Sales shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. In sales of scrap, a scrap warranty may be required by the owning agency whenever it deems such course desirable.

(3) In exceptional cases or classes of cases, upon a determination by the responsible officer in each instance, approved by a reviewing authority, that any given property is scrap or salvage and that it would be in the best interests of the Government to dispose of it by negotiated sale, such property may be disposed of at the best price obtainable. In all such cases where the property is determined to be scrap, a scrap warranty shall be required of the buyer.

§ 8309.17 *Emergency disposals.* Where emergency circumstances, such as danger of deterioration or considerations of health, safety, or security make immediate sales by owning agencies desirable without declaration as surplus, the owning agency may proceed to sell the property at prices that are fair and reasonable under the circumstances, after obtaining advance clearance of the appropriate disposal agency if practicable. Reports of such disposals shall be submitted to the Administration in accordance with orders issued thereunder.

§ 8309.18 *Donation, abandonment, or destruction of property.* Owning agencies may donate, abandon, or destroy surplus property only in accordance with the provisions of Part 8319.[5]

§ 8309.19 *Records and reports.* Owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8309.20 *Regulations by owning agencies to be reported to the Administrator.* Each owning agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective June 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 6, 1947.

[F. R. Doc. 47-5647; Filed, June 11, 1947; 11:56 a. m.]

[5] 12 F. R. 2249, 7773, 3320.

[6] Reg. 1, Order 3 (11 F. R. 6774, 9572, 14490).

[4] In the case of salvage certificates, wording shall be identical except that the word "salvage" shall be substituted for the word "scrap."

[5] Reg. 19 (10 F. R. 14966; 11 F. R. 3691).

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

EMERGENCY AND MISCELLANEOUS DIVISION

JUNE 6, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of May 1947;

The Commission having under consideration the establishment of an Industrial Heating, Scientific and Medical Services Section in the Emergency and Miscellaneous Division, Safety and Special Services Branch, Engineering Department; and

It appearing, that the establishment of such section is required for the purpose of administering the provisions of Part 18 of the Commission's rules and regulations relating to the Industrial, Scientific and Medical Service; and it appearing further, that the proposed amendments relate to the organization of the Commission and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required herein;

It is ordered, That § 1.29 of the Commission's rules and regulations be, and it is hereby, amended, effective immediately, by revising paragraph (d) thereof and by adding paragraph (e) to read as follows:

§ 1.29 *Emergency and Miscellaneous Division.* * * *

(d) Operators and Amateurs Section, which prepares recommendations for the preparation and promulgation of rules and regulations governing commercial radio and amateur radio operators and amateur radio stations.

(e) Industrial Heating, Scientific and Medical Services Section, which is responsible for public interviews, correspondence and administration relating to the technical aspects of radio frequency devices used in providing industrial heating, scientific and medical services and radio frequency devices which fall within the scope of the low power radio frequency rules, citizens radio communication service, and certain low power radio frequency control, signaling, communication devices and systems. The section is responsible also for assigning and maintaining records of type approval numbers upon advice from the Laboratory Division that a manufacturer's apparatus has met the necessary requirements for such devices after having been duly tested.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5574; Filed, June 11, 1947; 9:00 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 14]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513), as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46), and good cause appearing therefor: it is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule* of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following provisions in lieu of Amendments Nos. 9 to 13 inclusive:

(a) *Overloaded cars.* When part of the contents (hereinafter termed the excess) of an overloaded car of carload freight is transferred to another car and both cars forwarded without other freight therein the following shall govern:

Freight charges. All common carriers by railroad subject to the Interstate Commerce Act shall:

(1) On the original car assess and collect freight charges, origin to final destination in effect at time of shipment, based upon the actual weight of freight left in that car after the excess has been removed, but not less than the tariff minimum weight for such car;

(2) On the car loaded with the excess freight assess and collect freight charges at the carload rate, applicable on the commodity as originally shipped, from transfer point to final destination in effect at time of original shipment, based on the actual weight of such excess freight subject to the following minima:

(i) When the tariff minimum weight depends on the length of the car, 50 percent of the minimum weight applicable to a car 40 feet 6 inches in length; or

(ii) When the tariff minimum weight depends on capacity of the car, 50 percent of 80,000 pounds; or

(iii) When the tariff minimum weight does not depend on the length or capacity of a car, 50 percent of the minimum weight applicable to the shipment as originally billed.

(3) But in no instance shall the charges be less than the charges which would have applied on the same shipment transported without transfer of the excess freight to another car.

(b) *Exemptions.* This section shall not apply (1) to shipments of live stock, (2) to shipments of any commodity on flat cars, when the car furnished and used is longer than that ordered by the shipper, and (3) paragraphs 1, 2 and 3 of the original order shall not apply to shipments of any commodity loaded by carriers.

(c) *Loading by carriers.* All cars loaded by carriers shall be loaded full or to their safe loading limit, except that when a single consignment requires more than one car the second or final car of the consignment need not be so loaded.

(d) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(e) *Expiration date.* This section as amended shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, announcing the partial vacation of this order, restoring the tariff provisions affected thereby and publishing the provisions of this amendment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 13, 1947, and it shall vacate and supersede Amendments No. 9 to 13, inclusive, on the effective date hereof; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5557; Filed, June 11, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amendment to the order, regulating the handling of milk in the New York metropolitan milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearings, on the records of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated were held at Utica, New York, and New York, New York, on March 17–25, 1947, notice of which was issued on March 7, 1947 and published in the FEDERAL REGISTER on March 12, 1947 (12 F. R. 1689), and at Albany, New York on November 20, 1946, notice of which was issued on November 14, 1946 and published in the FEDERAL REGISTER on November 16, 1946 (11 F. R. 13535).

The material issues developed at the November 1946 hearing related to (1) Class I–A and Class II–A prices for the month of December 1946, and to (2) a proposal (No. 3 of the November 14 notice of hearing) to prevent contraseasonal changes in the Class I–A and Class II–A prices. Since findings and conclusions with respect to this latter issue (preventing contraseasonal changes in Class I–A and II–A prices) have not heretofore been made, such findings and conclusions are herein set forth together with the findings and conclusions concerning other proposals considered at the March 1947 hearing relative to provisions for pricing Class I–A milk.

The material issues[1] presented at the March 1947 hearing (plus the issue remaining from the November 1946 hearing) are divided, for purposes of this recommended decision, into three categories: (1) Those issues included in the notice of hearing with respect to which the submission of evidence has been postponed for a later hearing, and therefore concerning which no findings and conclusions are herein set forth, (2) those issues with respect to which findings and conclusions are being deferred pending further study and analysis of the hearing record, and (3) those issues with respect to which findings and conclusions are herein set forth.

The first category of issues consists of the following:

1. Elimination or revision of provisions relating to payments to cooperative associations (H. N. Nos. 46, 47, 48, 49, and 50).

2. Elimination or revision of provisions relating to location differentials (H. N. No. 41, 42, and 43).

The second category of issues consists of the following:

1. Revision of the pricing provision for Class I–C milk (H. N. Nos. 29, 30, and 31).

2. Elimination of the "floor provisions" as now contained in the pricing provisions for Class II-B, II-D, and II-E milk (H. N. Nos. 32 and 33).

3. Revision of the pricing provision for Class III milk (H. N. Nos. 35 and 36).

4. Elimination of the "floor provisions" and to make other changes in the pricing provisions for Class IV-A and IV-B milk (H. N. Nos. 6, 37, 38, 39, and 40).

5. A new method of calculating the butterfat differential used in connection with payments to producers (H. N. No. 45).

6. Revision of the pricing provision for Class V–B milk (H. N. No. 58).

7. Revision of provisions for payments for milk or milk products other than from producer sources (H. N. Nos. 52, 53, 54, 55, and 56).

The third category of issues consists of the following:

1. Revision of the method of determining the Class I–A and Class II–A prices: (a) by preventing contraseasonal Class I–A and Class II–A price changes, (b) by revision of the present Class I–A price formula, (c) by replacing the present Class I–A price formula, with specific fixed prices, and (d) by replacing the present Class I–A price formula with prices calculated on the basis of determinations of the cost of production plus a reasonable profit (H. N. Nos. 3 (of November 1946 hearing), 4, 5, and 19 to 28, inclusive).

2. A requirement that the market administrator publish a bulletin monthly and that it be sent to all producers, and that published information include a report on the activity of check testers (H. N. No. 1).

3. A requirement that on request of any handler an inspection must be made by the market administrator and a determination made by him as to what constitutes a plant, and that the handler be notified of such determination within 30 days of such request (H. N. No. 2).

4. A requirement that the market administrator issue at the request of any handler an interpretative ruling on the classification of milk utilized or moved in the manner described by the handler (H. N. No. 3).

5. Qualification of a plant to be a pool plant even though shipment of milk to the marketing area is prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant (H. N. No. 7).

6. Modification of the provisions concerning the suspension of pool plant designations as to the classes of milk which are permitted or required to be included by the market administrator in his determination as to the desirable utilization of milk (H. N. Nos. 8 and 9).

7. The inclusion in the pool during April, May, and June of plants not designated as reserve pool plants (H. N. No. 10).

8. Public announcement each month by the market administrator of any plant included in the pool other than plants designated as reserve pool plants (H. N. No. 11).

9. Removal of the time limitation for establishing the classification of milk held in the form of frozen desserts (H. N. No. 12).

10. Classification as I–C, in any month in which the I–C price is higher than the I–A price, of milk shipped as milk to or through the marketing area but ultimately distributed in an area not regulated by the Secretary (H. N. No. 13).

11. Change procedure for issuance of rules and regulations by deleting reference to the first rules and regulations and by adding a specific requirement that a meeting to consider new rules or amendments be called within 30 days upon request of any handler (H. N. Nos. 14 and 15).

12. Extension of the time, from 48 hours to 7 days, allowed handlers for reporting transfers of cream in storage (H. N. No. 16).

13. Revision or elimination of the temperature requirements for cream held in storage as a basis for establishing its classification in Class II–B (H. N. No. 17).

14. Classification of frozen desserts in Class II–F when moved to a warehouse, as well as to a plant or purchaser as now provided, in the Class II–F territory (H. N. No. 18).

15. Revision of the Class II–E price formula by changing the figure of "21.5"

[1] The description of each issue will be followed by the numbers, as shown in the notice of hearing, of the proposals directly associated with that issue, thus: (H. N. No. __). All proposal numbers refer to the hearing notice issued March 7, 1947 unless otherwise indicated.

as contained therein to "25.5" (H. N. No. 34).

16. Provision for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are due producers (H. N. No. 44).

17. Revision in wording storage cream payment provision to more accurately describe the present requirements for payment (H. N. No. 51).

18. Provision for the payment of interest on accounts past due the producer-settlement fund and on monies unlawfully withheld by the market administrator (H. N. No. 57).

Findings and conclusions. (The numbers of the following findings and conclusions correspond with the numbers of the issues above set forth in category number three.)

1. The present method of determining the Class I–A price should be continued by retention of the present butter-powder formula without revision. The formula should be supplemented, however, by adding a provision to prevent contraseasonal price changes, and by providing minimum floor prices of $4.58 per hundredweight for the months of July, August, and September 1947, and $5.02 per hundredweight for the months of October, November, and December 1947. Provision should also be made for limiting to 44 cents per hundredweight any reduction which might occur from December 1947 to January 1948 or from January to February 1948. No provision to prevent contraseasonal price changes in the Class II–A price should be adopted. The foregoing conforms to the standards set forth in section 8c (18) of the Agricultural Marketing Agreement Act of 1937, as amended.

It is essential that the production of pool milk be increased in the fall months in relation to production in the spring months, thus bringing about a seasonal pattern of production which is more nearly in line with market requirements. Significant seasonal variation in the Class I–A price is necessary to encourage such a seasonal pattern of production.

During the years 1940–1946, there was a trend toward wider variation between spring and fall levels of production. Seasonal variation in price tended to grow narrower during the same period. Sales of fluid milk during the years 1940–1946 increased more than production, not only in the New York market, but particularly so in other northeastern markets. Shortages in surrounding areas have resulted in heavy demands for milk from the New York milk shed, thereby accentuating the supply problem during the months of lowest production.

Returns to producers 30 to 35 percent higher in the fall months of October-December than in the spring months of April–June are necessary to encourage less seasonal variation in production. Definite assurance of such a seasonal price relationship in 1947 should be provided by the establishment of a minimum floor price for Class I–A milk of $5.02 per hundredweight for the months of October, November, and December 1947. As further safeguards against factors which might operate to offset the incentive for fall production, a floor price of $4.58 per hundredweight should be established for the months of July, August, and September 1947, and provision should be made for limiting to 44 cents per hundredweight any reduction which might occur from December 1947 to January 1948 or from January to February 1948.

The level of the Class I–A price should, in general, move up and down consistent with changes in the level of prices of manufactured dairy products. Such adjustments in the general level of the Class I–A price should occur in such amounts and at such times as will result in a minimum of interference with necessary seasonal price changes. Accordingly, provision should be made in the order for controlling adjustments in the general level of the Class I–A price to the extent of providing that the Class I–A price for any of the months of September through December of any year should not be lower than in the preceding month, and that the Class I–A price for the months of March through June of any year should not be higher than in the preceding month. The provision to prevent seasonal price changes should be confined to periods of four months in order to result in a minimum of interference with necessary adjustments in the general level of the Class I–A price.

Evidence on the record concerning contraseasonal price changes relates only incidentally to the Class II–A price and fails to indicate that such a provision applied to the Class II–A price would have enough effect on the uniform price to warrant interference with formula changes in the Class II–A price.

Proposals to substitute fixed prices for the present pricing formula were considered at the hearing. Economic conditions during the last half of 1947, or after, cannot be determined on evidence in the record with sufficient accuracy to constitute a sound basis for fixing Class I–A prices for that period at an exact level. Fixed minimum floor prices as recommended herein assure minimum seasonal increases are supported by evidence in the record. Retention of the present butter-powder pricing formula provides a method of establishing Class I–A prices after the period for which minimum floor prices can be established, and for prices for the months of July–December 1947 higher than the minimum floor prices, if justified by economic condition then prevailing.

Evidence on the record for revision of the present butter-powder formula as a method of fixing Class I–A prices relates only to proposed technical changes which could do no more than correct minor weakness of the present formula, rather than to changes in the basic factors necessary to produce a Class I–A price at the proper level and a price which changes at the proper time. The emphasis at the hearing on prices for the immediate future, rather than for the long run, indicates contemplation by handlers and producers of further consideration of the basis for pricing Class I–A milk at another hearing this year. A more complete analysis of the basic factors involved, and of the present formula in its entirety, should be considered at another hearing before making change in the present formula.

The average cost of producing milk was higher in February and March of 1947 than at the same time in 1946. Such cost increased, due principally to the price of feed, between February 15, 1947 and March 15, 1947. The cost of milk production during the last half of 1947 cannot be determined from evidence in the record. The level of production, both in terms of pool milk and production per day per dairy, was higher in the first part of 1947 than at the same time in 1946. Per capita sales of fluid milk in the marketing area were slightly lower in 1946 than in 1945 but still substantially higher than in 1940. Total sales of fluid milk in the marketing area in February 1947 fell below sales in the same month a year earlier for the first time since 1941.

Various proposals were considered at the hearing to establish the Class I–A price solely on the basis of the cost of production, or the cost of production plus a "reasonable" profit. A reasonable profit was not defined. It was proposed that the cost of production be determined from cost data submitted at frequent public hearings, and also that the function of determining the cost of production and of fixing the Class I–A price be delegated to a board of experts. The best available cost of production figures are estimates of the year-around cost. The cost of production varies widely between individual farms, between counties and between states.

The cost of production is not the only factor affecting the supply of milk for the marketing area. In addition to the necessity for the consideration of other factors affecting supply, the economic conditions affecting the demand for milk in the marketing area are important factors which must also be considered if orderly marketing is to result. Furthermore, the Agricultural Marketing Agreement Act requires that due consideration be given to all of the economic conditions affecting both the supply and demand for milk in the marketing area.

Question was raised at the hearing concerning the level of the New York Class I–A price in relation to the Boston Class I price. The Class I–A butterfat differential is different from the butterfat differential in the Boston market. The existence of this difference precludes a complete and precise alignment of New York and Boston prices. Prices precisely the same for milk of one butterfat test would be different for milk of any other test. A different relationship of Class I prices between the two markets would not necessarily result in a constant and continuing alignment of the uniform or blended prices received by producers.

2. No provision should be included in the order requiring monthly publication by the Market Administrator of a bulletin or that such bulletin contain reports on the activity of check testers or that it be sent to all producers.

It has not been shown that the function of reaching producers with necessary market information would thereby be materialy enhanced. Producers are

not now deprived of essential and timely information by reason of publication of the Market Administrator's Bulletin less frequently than monthly. Cooperative associations receiving cooperative payments are relied upon to provide, and to some extent at least do provide, their members with essential market information. The Market Administrator's Bulletin is now sent to all producers who are not members of qualified cooperatives and to others on request. The activities of check testers or the amount of check testing performed would not be changed by adoption of this proposal. Reports on the activities of check testers are now authorized.

3. The duty of the Market Administrator relative to the making of inspections and determinations as to what constitutes a plant should be amended by adding a provision requiring prompt determination by the Market Administrator, upon receipt of request therefor by any handler, and prompt notice to the handler of such determination.

The Market Administrator's determination of what constitutes a plant is important and handlers are entitled to such determination. The evidence does not show, however, what is involved in making an inspection and a determination nor the probable number of requests. It is entirely possible that 30 days would be an insufficient time in which to make all requested inspections and determinations. Request for reinspection should include a showing of the necessity for inspection by reason of conditions which have changed since a previous determination.

4. The order should not be amended by adding, as a duty of the Market Administrator, a requirement that he issue at the request of any handler an interpretative ruling on the classification of milk to be utilized or moved in the manner described by the handler. The appropriate solution of the problem here presented is the clarification of the order, or the rules and regulations issued by the Market Administrator, to the extent necessary to eliminate the need for interpretative rulings.

Administrative difficulty would arise in determining whether milk was utilized or moved precisely as described in the request.

Under the proposal an erroneous prospective ruling would be final if in favor of the petitioning handler. However, the petitioning handler could at will disregard an erroneous unfavorable ruling and establish a correct classification by subsequent appeal. No method was proposed to protect other interested persons against erroneous prospective rulings.

No satisfactory method was proposed which would avoid prospective rulings upon purely hypothetical facts.

No specifications have been proposed for inclusion in a description of a proposed utilization or movement of facts and circumstances which are comparable with the facts and circumstances which the Market Administrator, pursuant to provisions of the order and the rules and regulations, would be required to consider in determining the final classification of milk.

5. The proposal concerning the qualification of a plant to be a pool plant, even though shipments of milk to the marketing area are prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant should be adopted.

A plant given health authority permission for the shipment of approved skim milk is in the same category as a plant which is given permission to receive unapproved milk or skim milk insofar as its qualification to ship milk to the marketing area is concerned. The addition of this proposal more accurately describes the conditions under which it is intended that a plant be considered as being in a position to meet the requirements of a source of milk for the marketing area.

6. No change should be made in the order with respect to the classes of milk which must be included by the Market Administrator in making his determination of the desirable utilization of milk in connection with the conditions under which pool plant designations may be suspended.

Inclusion of the classes of milk, which the proposal would require to be included in the desirable utilization of milk, is now permitted except for Class II-F.

The prices for Class II-A, II-B and II-F milk, particularly during the months of short production, are lower than the prices for Class I-A and Class I-C milk. The proponents of this proposal are also requesting a further reduction in prices for Class II-B and II-F milk. There are numerous areas outside of the marketing area which depend upon pool milk during the low production period of the year to supplement their regular sources of supply, and in addition, numerous handlers distributing milk in the marketing area also distribute milk in other areas and operate plants approved for the shipment of milk both to the marketing area and to such other areas. Butterfat is available to ice cream manufacturers from sources other than the current production of plants approved by marketing area health authorities. The present provisions concerning the determination of the desirable utilization of milk do not preclude the handler from utilizing milk in Classes II-A, II-B and II-F. The present provisions of the order, as administered, have not seriously impaired the ability of ice cream manufacturers to market a satisfactory product and in sufficient volume to meet market requirements for frozen desserts. The authority of the market administrator under the present provisions authorizing suspension of pool plant designations has not been exercised in an arbitrary manner. A determination of the desirable utilization of milk under the present provisions of the order constitutes a standard which, if met by a handler, insures him against the suspension of pool plant designations.

7. The provisions for automatic designation of a pool plant as a pool plant during the months of April, May and June on the basis of milk sold or distributed in, or shipped to the marketing area from such plant should be clarified to leave no question that the requirement for shipment of 60 per cent of the milk received during the preceding period of October, November and December applies only to a plant at which some milk was in fact received directly from dairy farmers during such preceding period.

The pool status of a plant during April, May and June is uncertain in the case of a plant not designated as a reserve pool plant and at which no milk was received from dairy farmers during the preceding October, November and December. The proposed amendment will eliminate that uncertainty, and will not materially impair the effectiveness of the provision nor result in practices contrary to the interests of handlers or producers.

8. There should be included in the order a provision requiring the Market Administrator to make public each month the location, and the name of the operator, of each plant other than a designated reserve pool plant, for which a report of receipts from dairy farmers was used in the computation of the uniform price for the previous month.

It might be desirable that the Market Administrator make public at the time of announcement of the uniform price, the location, and name of the operator, of each plant automatically designated, in accordance with § 927.3 (b), as a pool plant for the previous month by reason of shipment of Class I-A milk. However, such information is not at that time available. The market administrator, in releasing such information, would have to rely solely on the unverified report of the handler. Plants automatically designated as pool plants pursuant to § 927.3 (b) can be determined only after verification of the handler's report. Handler's reports for any month cannot be verified by the 14th of the following month. The market administrator, consequently, is in a position to make public at the time of announcing the uniform price only the location, and the name of the operator, of each plant the report for which was used, pursuant to § 927.3 (b), in the computation of the uniform price for the previous month. Such information will probably include most, if not all, of the information requested by the proponents.

9. The proposal to remove the time limitation for establishing the classification of milk held in the form of frozen desserts should not be adopted at this time.

This proposal involves the apparent necessity or desire on the part of ice cream manufacturers to hold frozen desserts in inventory longer than the period permitted for establishing classification. Adoption of this proposal could materially accentuate the problem of accounting for milk. The proponent of this proposal, in its brief filed, recognized administrative difficulties involved, and concluded with the statement: "Therefore, we desire to give further study to the problem, with the view toward overcoming such difficulties through a more complete suggestion at a later date.

10. The order should not be amended to provide that in any month in which the Class I-C price is higher than the Class I-A price, milk shipped to or through the marketing area but ultimately distributed in an area not regu-

lated by the Secretary should be classified as Class I–C rather than as Class I–A. However, the words "which has not passed through the marketing area, but including milk which was received directly from producers at a plant in the marketing area," as they appear in the Class I–C definition, should be deleted.

The proposal was designed to deny handlers a lower price on milk distributed in the Class I–C territory merely by reason of having first transported the milk in bulk through the marketing area. This objective would be more appropriately accomplished by the recommended change in the Class I–C definition.

A change in § 927.4 (a) (3) (i), as proposed, would be inconsistent with § 927.5 (c) (3), the definition of Class I–C milk. § 927.4 (a) (3) (i) provides that milk shipped in the form of milk to a plant in the marketing area shall be classified as Class I–A, and consitutes a condition to which the Class I–C definition is subject. Deletion from the Class I–C definition of the above quoted words leaves a definition which, together with § 927.4 (a) (3) (i), defines milk ultimately distributed in an area not regulated by an order of the Secretary as Class I–C unless the milk was previously shipped in the form of milk from the plant at which it was received from dairy farmers to a plant in the marketing area.

11. The procedure for issuance by the market administrator of rules and regulations should be amended by deletion of language, now obsolete, relative to issuance of the first rules and regulations, and by including a provision requiring the market administrator, within 30 days after receipt of a written request of any handler for issuance, amendment or repeal of any rule, to either call a meeting for consideration of such request or notify the handler that the request is denied and of the reasons for denial.

Effective administration of the order and proper exercising by the market administrator of his function in the issuance of necessary rules and regulations to effectuate the terms and provisions of the classification section of the order requires prompt consideration by the market administrator of evidence of the necessity for the issuance, amendment or repeal of a rule.

Requests of handlers showing evidence of the necessity for issuance, amendment or repeal of any rule have been given prompt consideration. Handlers have not been denied an opportunity to be heard on such requests. Proponents intended to allow the market administrator wide discretion in determining what is a bona fide request. Adoption of the proposal results in expressly setting forth in the order, and in more specific terms, the already existing responsibility of the market administrator in the issuance of the necessary rules and regulations.

12. The time allowed for reporting the transfer of cream from one licensed cold storage warehouse to another should be extended from 48 hours to 7 days.

A period of 7 days in which to report transfers of storage cream is a more reasonable allowance of time than is the period of 48 hours. Handlers experience difficulty giving notice within 48 hours. No necessary purpose is served by a provision requiring notice within a period shorter than 7 days.

13. There should be deleted from the order the requirements as to the temperature below which cream must be held in a licensed cold storage warehouse for purposes of qualifying it for a II–B classification.

Present temperature requirements were originally adopted as a safeguard against misuse of a provision designed to encourage the storage of cream. The order contains other such safeguards. The burden on warehouse operators resulting from the present temperature requirements causes reluctance to accept cream for storage thus creating a potential scarcity of storage space for cream. Storage warehouses equip themselves with recording thermometers only for the purpose of meeting the storage cream requirements of the order. The failure to meet the temperature requirements frequently results from the unavoidable breakdown of recording thermometers and the inability to repair them promptly.

The breakdown of recording thermometers results in failure to meet requirements of the order, even though the cream is actually held at the required temperatures. Cream held in storage for 28 days or longer is not physically suitable for Class II–A purposes unless held during such period in a frozen condition.

14. The proposal to classify frozen desserts as Class II–F on the basis of shipments to a warehouse as well as to a plant or purchaser in the II–F territory should not be adopted.

Adoption of this proposal would extend a privilege to ice cream manufacturers operating in the II–F territory which is not extended to manufacturers of other products or to ice cream manufacturers operating in other territories. To the extent that a warehouse is a point of storage rather than a point of distribution, as in the case of a plant or a purchaser, adoption of this proposal could have the effect of extending the period for establishing classification with respect to frozen desserts in the II–F territory.

15. The proposal to revise the Class II–E price formula by changing the figure "21.5" to "25.5" should not be adopted.

This proposal was withdrawn during the hearing by its proponent and no evidence was submitted in support of the proposal.

16. A new provision should be included in the order to provide for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are actually due producers.

This provision will assist in the administration of the order and more completely effectuate its terms and provisions.

17. The storage cream payment provision should be re-worded as set forth in proposal No. 51.

Adoption of this proposal makes no substantive change in the order, but merely clarifies the present provision and more accurately describes the conditions under which storage cream payments are at present authorized.

18. The proposal for payment of interest on accounts past due to the producer-settlement fund and on monies unlawfully withheld by the market administrator should not be adopted at this time.

The absence of such a provision was not shown to have adversely affected the interests of producers or handlers. The record contains insufficient detail with respect to several questions involved, such as, the identity of monies unlawfully withheld by the market administrator and the date on which interest would begin to accrue.

Rulings on the proposed findings and conclusions. Briefs were filed on behalf of Milk Dealers' Association of Metropolitan New York, Inc.; Association of Ice Cream Manufacturers of New York State, Inc.; Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., and Eastern Milk Producers' Cooperative Association, Inc.; New York State Association of Refrigerated Warehouses; New England Milk Producers' Association; Mutual Cooperative of Independent Producers, Inc.; New York State Cheese Manufacturers Association; New York State Guernsey Cooperative, Inc. and by Dairy Producers, Inc.

These briefs contained statements of fact, conclusions and arguments with respect to most of the issues considered at the hearing. Some of the proposed findings of fact are immaterial to the issues presented, or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. Although some of the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly.

Every point covered in the briefs with respect to the issues on which findings and conclusions are herein set forth was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated for the findings and conclusions in this recommended decision.

The Milk Dealers' Association of Metropolitan New York submitted specific proposed findings of fact and conclusions with respect to most of the proposals dealt with herein, including hearing notice proposals 1–3, 7–11, 13–17, 19–28, 44, 51, and 57. With respect to hearing notice proposals 3 and 57 the requests to make such findings and conclusions are denied for the reasons given herein in recommending findings and conclusions contrary thereto. For similar reasons the requested findings and conclusions relating to the remainder of such proposals are denied only to the extent that they vary in form or content from the

findings and conclusions recommended herein.

Other proposed findings and conclusions were submitted by the Milk Dealers' Association of Metropolitan New York, Inc., with respect to questions of law. These included requested rulings on procedural questions presented in opposition to proposals not recommended by this decision to be adopted. Broad rulings were also requested as to the general powers and duties of the presiding officer; the necessity of a proponent for each specific proposal; the incorporation, by reference, of testimony at prior hearings; whether factual evidence in the record may be considered on any issue as to which it is material and pertinent; and in what circumstances official notice may be taken. These requested rulings of law were not shown to be material and necessary to the decision of any issue decided herein and they are accordingly not made herein.

It was also alleged in the brief of the Association of Ice Cream Manufacturers of New York State, Inc. that an existing provision of Order No. 27 is illegal. If this is to be considered as a proposed finding or conclusion, it is not adopted. The legality of an existing provision of an order is not to be decided in a promulgation proceeding.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out.

The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Amend § 927.2 (d) (10) to read:

(10) The market administrator, shall from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes make a new determination necessary. Such determination shall be ruling for all purposes hereunder, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

2. Amend § 927.3 (a) (3) (ii) by adding the words "or for shipment of approved skim milk from such plant" at the end of the proviso contained therein so that the proviso will read: *"Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and"

3. Amend § 927.3 (b) by changing the first proviso therein to read: *"Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk."

and by adding at the end of § 927.3 (b) the following sentence: "At the time of announcing the uniform price for each month, the Market Administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this paragraph, in the computation of that uniform price."

4. Amend § 927.4 (a) (2) by changing the proviso contained therein to read: *"Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

5. Amend § 927.4 (b) by deleting the two provisos contained therein and substituting the following: *"Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the Market Administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the Market Administrator shall within 30 days either issue notice of meeting pursuant to subparagraph (1) of this paragraph or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial."

6. Amend § 927.4 (c) (3) to read:

(3) Class I–C milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and which is ultimately distributed in an area not regulated by an order of the Secretary.

7. Amend § 927.4 (c) (5) to read as follows:

(5) Class II–B milk shall be all milk, except as set forth in subparagraphs (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the Market Administrator to determine the physical presence of the cream. After the first 7 days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the Market Administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (e) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

8. Amend § 927.5 (a) (1) by deleting that portion of such subparagraph preceding the table contained therein and by substituting therefor the following:

(1) Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following table:

and by adding after the table contained therein the following three subdivisions:

(i) The Class I–A price for any of the months of March through June of each year shall not be higher than the Class I–A price for the immediately preceding month, and the Class I–A price for any of the months of September through December of each year shall not be lower than the Class I–A price for the immediately preceding month.

(ii) The Class I–A price shall not be less than $4.58 per hundredweight for each of the months of July through September 1947, and shall not be less than $5.02 per hhndredweight for each of the months of October through December 1947.

(iii) The Class I–A price for January 1948 shall not be less than the December 1947 Class I–A price minus 44 cents, and the Class I–A price for February 1948 shall not be less than the January 1948 Class I–A price minus 44 cents.

9. Amend § 927.8 (a) by adding at the end thereof the following: *"Provided*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the Market Administrator shall make such payment from the producer-settlement fund. *Provided further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the Market Administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the

Market Administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler."

10. Amend § 927.9 (g) by deleting therefrom the words "and was used in Classes II–D, II–E, or II–F during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive." and by substituting therefor the words: "and was assigned, in accordance with the provisions of the rules and regulations issued by the Market Administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E, or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March, inclusive."

Filed at Washington, D. C., this 9th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47–5573; Filed, June 11, 1947; 8:59 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47–34]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4481, 4482, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 392, 404, 407, 411, 474, 475, 481, 489, 526–526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed effective upon the date of publication of this document in the FEDERAL REGISTER.

BOILER

Water Tube Power Boiler, Model No. MA–101, Dwg. No. B30, dated April 23, 1947, submitted by Acme Boiler and Tank Co., Salmon Bay Terminal, Seattle, Wash.

BUOYANT CUSHIONS FOR MOTORBOATS

Rectangular kapok buoyant cushions for motorboats, Dwg. No. 4–2–47, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y., with approval numbers for the various sizes listed below:

Approval No.	Size	Kapok
		Ounces
B–396	12″ x 63″ x 2″	67
B–397	12″ x 65″ x 2″	70
B–398	12″ x 69″ x 2″	74
B–399	12″ x 72″ x 2″	77
B–400	12″ x 75″ x 2″	80
B–401	12″ x 78″ x 2″	83
B–402	12″ x 81″ x 2″	86
B–403	15″ x 63″ x 2″	84
B–404	15″ x 66″ x 2″	88
B–405	15″ x 69″ x 2″	92
B–406	15″ x 72″ x 2″	96
B–407	15″ x 75″ x 2″	100
B–408	15″ x 78″ x 2″	104
B–409	15″ x 81″ x 2″	108
B–410	18″ x 63″ x 2″	101
B–411	18″ x 66″ x 2″	106
B–412	18″ x 69″ x 2″	110
B–413	18″ x 72″ x 2″	115
B–414	18″ x 75″ x 2″	120
B–415	18″ x 78″ x 2″	125
B–416	18″ x 81″ x 2″	130
B–417	21″ x 63″ x 2″	118
B–418	21″ x 66″ x 2″	123
B–419	21″ x 69″ x 2″	129
B–420	21″ x 72″ x 2″	134
B–421	21″ x 75″ x 2″	140
B–422	21″ x 78″ x 2″	146
B–423	21″ x 81″ x 2″	151
B–424	24″ x 24″ x 2″	51
B–425	24″ x 27″ x 2″	58
B–426	24″ x 30″ x 2″	64
B–427	24″ x 33″ x 2″	70
B–428	24″ x 36″ x 2″	77
B–429	24″ x 39″ x 2″	83
B–430	24″ x 42″ x 2″	90
B–431	24″ x 45″ x 2″	96
B–432	24″ x 48″ x 2″	102
B–433	24″ x 51″ x 2″	109
B–434	24″ x 54″ x 2″	115
B–435	24″ x 57″ x 2″	122
B–436	24″ x 60″ x 2″	128
B–437	24″ x 63″ x 2″	134
B–438	24″ x 66″ x 2″	141
B–439	24″ x 69″ x 2″	147
B–440	24″ x 72″ x 2″	154
B–441	24″ x 75″ x 2″	160
B–442	24″ x 78″ x 2″	166
B–443	24″ x 81″ x 2″	173
B–444	27″ x 27″ x 2″	65
B–445	27″ x 30″ x 2″	72
B–446	27″ x 33″ x 2″	79
B–447	27″ x 36″ x 2″	86
B–448	27″ x 39″ x 2″	94
B–449	27″ x 42″ x 2″	101
B–450	27″ x 45″ x 2″	108
B–451	27″ x 48″ x 2″	115
B–452	27″ x 51″ x 2″	122
B–453	27″ x 54″ x 2″	130
B–454	27″ x 57″ x 2″	137
B–455	27″ x 60″ x 2″	144
B–456	27″ x 63″ x 2″	151
B–457	27″ x 66″ x 2″	158
B–458	27″ x 69″ x 2″	166
B–459	27″ x 72″ x 2″	173
B–460	27″ x 75″ x 2″	180
B–461	27″ x 78″ x 2″	187
B–462	27″ x 81″ x 2″	194
B–463	30″ x 30″ x 2″	80
B–464	30″ x 33″ x 2″	88
B–465	30″ x 36″ x 2″	96
B–466	30″ x 39″ x 2″	104
B–467	30″ x 42″ x 2″	112
B–468	30″ x 45″ x 2″	120
B–469	30″ x 48″ x 2″	128
B–470	30″ x 51″ x 2″	136
B–471	30″ x 54″ x 2″	144
B–472	30″ x 57″ x 2″	152
B–473	30″ x 60″ x 2″	160
B–474	30″ x 63″ x 2″	168
B–475	30″ x 66″ x 2″	176
B–476	30″ x 69″ x 2″	184
B–477	30″ x 72″ x 2″	192
B–478	30″ x 75″ x 2″	200
B–479	30″ x 78″ x 2″	208
B–480	30″ x 81″ x 2″	216

EMBARKATION-DEBARKATION LADDER

Viking wire rope suspension embarkation-debarkation ladder, Type B–2, W. C. Nickum and Sons Dwg. 561–S1604–30, dated April 8, 1947, submitted by Viking Marine Co., 253 Colman Building, Seattle, Wash.

LIFEBOAT

30′ x 10′ x 4.13′ steel motor-propelled lifeboat with radio cabin; 64-person capacity; general arrangement and construction Dwg. No. 1821, dated December 26, 1939, revised March 25, 1947; submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Dated: June 5, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–5561; Filed, June 11, 1947; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 674, et al.]

PAGE AIRWAYS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Page Airways, Inc., et al., for certificates of public convenience and necessity under the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on July 7, 1947, 10 a. m., eastern daylight saving time, in Room 5042 Commerce Bldg., 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–5563; Filed, June 11, 1947; 8:54 a. m.]

[Docket No. 2839]

WESTERN AIR LINES, INC., AND UNITED AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Western Air Lines, Inc., and United Air Lines, Inc., under sections 401, 408, and 412 of the Civil Aeronautics Act of 1938, as amended, for an order approving an agreement for the sale of certain properties and the transfer and amendment of a certificate of public convenience and necessity for route No. 68, and amendment of a certificate of public convenience and necessity for route No. 1.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on June 30, 1947, 10 a. m., eastern daylight saving time, in Room 5042, Commerce Bldg., 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–5562; Filed, June 11, 1947; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-656, G-665]

CITIES SERVICE GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matters of Cities Service Gas Company, Frank Haucke and H. A. Amerine; Docket No. G-656 and G-665.

Upon consideration of the application filed August 17, 1945, in Docket No. G-656 by Cities Service Gas Company, a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, and the application filed September 24, 1945, in Docket No. G-665 and the supplemental application thereto filed March 20, 1947, by Frank Haucke and H. A. Amerine, a co-partnership with its principal place of business at Cottonwood Falls, Kansas, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicants to construct and operate natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission, described as follows:

Construction by Cities Service Gas Company. A 3-inch by-pass around applicant's present 20-inch main line gate; a 3-inch high-pressure regulator setting with a 2-inch high pressure regulator; a 4-inch orifice meter setting complete with a 2-inch high-pressure regulator on the outlet; a 3-inch gas pipe line extending from the by-pass to the regulator setting above described; and a 4-inch gas pipe line extending from the aforesaid regulator setting to the orifice meter setting above described; to be constructed at a point in the Southeast Quarter of section 11, Township 21 South, Range 9 East, Chase County, Kansas, adjacent to applicant's existing 20-inch gas pipe line extending from Wichita, Kansas, to Ottawa, Kansas.

Construction by Frank Haucke and H. A. Amerine. 17.5 miles of 4-inch O. D. gas pipe line from the pipe line of Cities Service Gas Company in section 11, Township 21 South, Range 9 East, in Chase County, Kansas, to a point west of Cottonwood Falls, Kansas, and in close proximity thereto, in Chase County, Kansas, together with appropriate terminal facilities at the above point of termination, as a base or station for the purpose of transmitting natural gas flowing through the proposed facilities to the distribution plants, pipes or main furnishing the Cities of Cottonwood Falls and Strong City and their inhabitants with natural gas.

It appearing to the Commission that:

(a) Applicants proposed the construction and operation of the above-described facilities for the purpose of augmenting the depleted local supply now used to meet the requirements of Strong City and Cottonwood Falls, Kansas, and surrounding areas thereto.

(b) Subsequent to the giving of due notice of the filing of these applications, including publication in the FEDERAL REGISTER on October 9, 1945 (10 F. R. 12658), no request to be heard, protest or petition has been filed, and disposition may be made of the applications as in unopposed gas certificate cases.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 24, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by the Commission's rules of practice and procedure.

Date of issuance: June 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5552; Filed, June 11, 1947; 8:53 a. m.]

[Docket No. G-887]

ATLANTIC GULF GAS CO.

NOTICE OF APPLICATION

JUNE 6, 1947.

Notice is hereby given that on April 14, 1947, United Gas Corporation filed an application, as amended on June 5, 1947, to substitute Atlantic Gulf Gas Company, its subsidiary, in lieu of United Gas Corporation, a Delaware corporation, with its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicant to construct and operate approximately 1,530 miles of natural gas transmission line and appurtenant facilities extending from the State of Mississippi in an easterly direction through the southern parts of the States of Alabama and Georgia, the northern part of the State of Florida, and southeastern South Carolina and terminating in the areas of Georgetown, South Carolina, and Jacksonville, Florida.

The application recites that it is proposed to sell natural gas at the city gate for resale in the various cities and towns and for resale to rural consumers along the route of the proposed pipe lines, and that it is proposed to sell natural gas to various direct main line industrial customers. On a 5th year basis of operations, it is estimated that maximum day sales will be as follows:

	Mcf.
City gate gas for resale:	
State of Alabama	8,680
State of Florida	19,395
State of Georgia	81,700
State of South Carolina	17,500
Total	127,275
Direct industrial gas:	
State of Alabama	7,250
State of Florida	76,650
State of Georgia	58,850
State of South Carolina	40,500
Total	183,250
Grand total proposed project	310,525

It is not presently contemplated there will be any sales or interchange with other natural gas companies through the proposed facilities. No natural gas service is presently available in the area proposed to be served.

The application further recites that it is proposed to purchase the natural gas necessary to supply the requirements for delivery through the proposed facilities from United Gas Pipe Line Company, a wholly owned subsidiary of United Gas Corporation, such gas to be delivered into the proposed facilities at a point in the vicinity of Hattiesburg, Mississippi.

It is stated in the application that United Gas Pipe Line Company's system is presently connected to 124 gas fields and approximately 1,650 wells located in the States of Louisiana, Mississippi and Texas, that said connected gas fields have remaining gas reserves aggregating 12,800,000,000 Mcf.; that said pipe line system can provide an abundant and stable supply of natural gas from many different sources for the facilities proposed; and that United Gas Corporation will cause the United Gas Pipe Line Company, as its wholly-owned subsidiary to enter into appropriate long term contracts to provide all necessary gas supplies for the proposed project and to build all necessary facilities, including gathering lines, field lines and main lines and also to apply to the Federal Power Commission for such extensions as may be necessary.

The estimated total over-all capital cost of the proposed facilities is $57,126,000. Information with respect to financing the proposed project will be furnished at a subsequent date in this proceeding.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application, as amended, of Atlantic Gulf Gas Company, as substituted, is on file with the Commission and is open to public inspection. Any person (unless a petition to intervene in the original application has already been filed with the Commission) desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date

of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5554; Filed, June 11, 1947; 8:53 a. m.]

[Docket No. IT-6063]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on June 3, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in the States of Florida and Georgia with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of 100,000 shares of Common Stock of the par value $7.50 each. The company will first offer the additional shares to present Common Stockholders in the ratio of one share for each ten shares of Common Stock held of record, and thereafter negotiate with underwriters for the unsubscribed shares, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 25th day of June 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5553; Filed, June 11, 1947; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 205]

RECONSIGNMENT OF POTATOES AT GRAND RAPIDS, MICH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Grand Rapids, Mich., June 5, 1947, by E. H. Anderson Co., of car PFE 50857, potatoes, now on the P. M., to Chicago, Ill. (P. M.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5555; Filed, June 11, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 206]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 5, 1947, by Jack Carl Co., of car WFE 65549, apples, now on the Chicago Produce Terminal to Philadelphia, Pa. (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5556; Filed, June 11, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-534, 31-535]

MAINE PUBLIC SERVICE CO. AND MAINE AND NEW BRUNSWICK ELECTRICAL POWER CO., LTD.

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Maine Public Service Company ("Maine"), a registered holding company and a former subsidiary of Consolidated Electric and Gas Company, also a registered holding company, having filed an application for an order of this Commission pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 exempting Maine and its subsidiary, Maine and New Brunswick Electrical Power Company, Limited ("New Brunswick"), from all provisions of said act on the asserted ground that Maine is predominantly a public utility company whose operations as such do not extend beyond the State of Maine, in which it is organized; and

New Brunswick having filed an application for an order of this Commission pursuant to section 3 (b) of the act exempting it from all provisions of the act imposing obligations, duties or liabilities on it as a subsidiary of a registered holding company, on the asserted ground that it has no subsidiaries, derives no material part of its income directly or indirectly from sources within the United States, and is not a public utility company operating in the United States; and

The Commission by order dated November 19, 1945, having given notice of the filing of the said applications, having consolidated the said proceedings, and having ordered a public hearing with respect thereto to be held on November 30, 1945, and said hearing having been held on November 30 and December 18, 1945, pursuant to said order, and on December 18, 1945, having been adjourned, subject to call; and

It appearing to the Commission that the hearing on the said applications should be reconvened for the purpose of adducing additional evidence with respect thereto:

It is ordered, That the hearing in the said proceedings be reconvened on June 20, 1947, at 10:30 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before June 18, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said filings, particular attention be directed at said hearing to the following matters and questions:

(1) Whether Maine is predominantly a public utility company whose operations as such do not extend beyond the

State in which it is organized and States contiguous thereto;

(2) Whether it is detrimental to the public interest or the interest of investors or consumers to grant to Maine, and to New Brunswick, as a subsidiary of Maine, an exemption from any or all of the provisions of the act;

(3) Whether New Brunswick derives any material part of its income directly or indirectly from sources within the United States;

(4) Whether the application of any or all of the provisions of the act to New Brunswick is necessary in the public interest or for the protection of investors;

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Maine Public Service Company, Maine and New Brunswick Electrical Power Company, Limited, the Public Service Commission of the State of Maine, and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5550; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1371]

FEDERAL LIGHT & TRACTION CO. ET AL.

NOTICE OF FILING OF PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of June A. D. 1947.

In the matter of Federal Light & Traction Company, Cities Service Company, and Public Service Company of New Mexico, File No. 70-1371.

Cities Service Company ("Cities"), a registered holding company, Federal Light & Traction Company ("Federal"), a subsidiary of Cities and also a registered holding company, and Public Service Company of New Mexico ("Public Service"), a direct subsidiary of Federal, on September 13, 1946, filed applications and declarations proposing, among other things, the dissolution and liquidation of Federal. Amendments Nos. 1 and 2 to the original filing were made on September 24, 1946, and October 25, 1946, respectively. On October 21, 1946, the Commission issued a notice of filing and order for hearing (Holding Company Act Release No. 6952), summarizing the principal provisions of said applications and declarations and ordering a hearing thereon. At that time it was proposed, in connection with the dissolution and liquidation of Federal, to pay to the holders of Federal's outstanding preferred stock the sum of $100 per share plus accrued unpaid dividends and, as against a determination that the preferred stockholders are entitled to receive any amounts in excess of $100 per share, to set up an escrow fund in an amount equivalent to the redemption premium of $10 per share plus compensation for delay in receiving such additional amounts. Pursuant to said notice and order, a public hearing was duly held at which the taking of evidence was completed with respect to the appropriateness of the immediate payment of $100 per share plus accrued unpaid dividends and the setting up of the escrow fund for any additional amount to which the preferred stockholders might be determined to be entitled.

Thereafter, on May 14, 1947, Federal, Cities and Public Service filed Amendment No. 3 to the original applications and declarations modifying the proposals as above described, and proposing instead to call for redemption the outstanding shares of preferred stock of Federal at the redemption price of $110 per share and accrued unpaid dividends.

Notice is hereby given that, on May 28, 1947, Federal, Cities and Public Service filed Amendment No. 4 to said applications and declarations which reinstates the transactions as proposed prior to the filing of Amendment No. 3. Accordingly, it is now proposed that the preferred stockholders of Federal receive at the present time $100 per share plus accrued unpaid dividends and that an escrow fund be provided for any additional amount to which they may be determined to be entitled. Further, in said Amendment No. 4, Federal, Cities and Public Service have requested that the transactions as now proposed be considered by the Commission as constituting a plan under section 11 (e) of the Public Utility Holding Company Act of 1935; and Federal has reserved the right to request the Commission to apply to a court to enforce and carry out the terms and provisions of such plan. Federal has also requested the Commission to make a report on the plan to be used in connection with the proposed solicitation of proxies from its stockholders in voting upon the dissolution of Federal as proposed in the plan.

It appearing to the Commission that all interested persons have hitherto been afforded opportunity to be heard with respect to the transactions now proposed, that the taking of evidence with respect to such transactions has been completed, and that no useful purpose would be served by requiring that further hearings be held in the absence of a showing by any interested person that such further hearings are necessary or appropriate for the protection of their interests;

Notice is given that any interested person may; not later than June 16, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said plan stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by such plan which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947 the Commission may issue its order with respect to said plan.

It is hereby ordered, That notice of the filing of the plan be given by registered mail to all persons who have been granted participation in the proceedings, and to all other persons by publication of this notice in the FEDERAL REGISTER and by general release to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5546; Filed, June 11, 1947; 8:48 a. m.]

[File No. 70-1510]

ELECTRIC POWER & LIGHT CORP. AND LOUISIANA POWER & LIGHT CO.

NOTICE REGARDING FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Louisiana Power & Light Company ("Louisiana"), have filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935. Applicants-declarants have designated section 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Electric is the owner of all the outstanding common stock of Louisiana consisting of 1,200,000 shares, without par value, having a stated value of $6,000,000. Louisiana proposes to issue and sell, and Electric proposes to acquire, an additional 1,100,000 shares of common stock of Louisiana for a cash consideration of

of $4,500,000. Upon completion of this sale, Louisiana proposes to transfer $1,000,000 from Earned Surplus to Common Capital Surplus Account. In connection with these transactions, Louisiana also proposes to amend its Certificate of Incorporation so as to increase the number of authorized shares of common stock from 1,500,000 shares to 5,000,000 shares.

Upon completion of such transactions, Louisiana will have issued and outstanding 2,300,000 shares of common stock having a stated value of $11,500,000.

The cash to be received by Louisiana will be employed for the construction of new facilities and for the extension and improvement of present facilities and for other necessary corporate purposes.

Applicants-declarants request that the Commission's order herein be issued as quickly as possible and become effective upon the issuance thereof in order to permit consummation of the proposed transactions at the earliest possible opportunity.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5547; Filed, June 11, 1947; 8:48 a. m.]

[File No. 70-1531]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 5th day of June 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Republic Light, Heat and Power Company, Inc. ("Republic"), a subsidiary of Cities Service Company ("Cities"), a registered holding company, designating sections 6 (a) and 7 of the act as applicable to the transactions proposed therein.

Notice is further given that any interested person may, not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon; that any such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and that at any time after June 18, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Republic has entered into a credit agreement with Manufacturers and Traders Trust Company of Buffalo, N. Y., under which the bank will loan to Republic $800,000 during the twelve months period beginning July 1, 1947, $200,000 of which will be loaned on July 1, 1947, and $600,000 thereafter as and when requested. The borrowings under this agreement will be evidenced by unsecured notes bearing interest at the rate of 2% per annum, maturing on or before twelve months from date of issue, and prepayable at any time without premium. Until all of said notes are paid declarant covenants not to pledge, mortgage or hypothecate any of its assets or borrow any other money without provision for the payment of said notes out of the proceeds of such other loan. Declarant is to pay quarterly a commitment fee of one-quarter of 1% per annum on the unused portion of said $800,000. The declaration states that the proposed bank loan is for the purpose of financing the immediate needs of the company until complete plans as to the construction requirements and a long-term financing program may be formulated.

The declaration states that the proposed transaction is not subject to the jurisdiction of any commission other than this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5551; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1535]

CAPITAL TRANSPORTATION CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of June A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Capital Transportation Company ("Capital"), a wholly owned nonutility subsidiary of Arkansas Power & Light Company, which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947, said application as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Capital, a transportation company, located principally in the Cities of Little Rock and North Little Rock, Arkansas, proposes to borrow from banks amounts aggregating $700,000 which will be used for the purchase of 15 motor omnibuses and 29 trolley omnibuses. The loans are to be evidenced by notes dated not later than July 1, 1947, payable in 24 equal quarterly installments and bearing interest at the rate of 3½% per annum. Such notes are to be secured by a chattel mortgage which will be a lien upon 20 motor omnibuses now owned by the company, upon the 15 motor omnibuses to be acquired by the company during May 1947, and, as supplemented by one or more supplemental indentures, upon the 29 trolley omnibuses to be delivered in July 1947.

The indenture of chattel mortgage will be executed and delivered subsequent to the date of receipt of the 15 motor omnibuses but prior to the date of receipt of the 29 trolley omnibuses. Concurrently with the execution and delivery of the indenture of chattel mortgage approximately 35% of the aggregate principal amount of the loans will be made available to the company. The balance of 65% of the principal amount of the loans will be made available to the company as the 29 trolley omnibuses are acquired and subjected to the lien of the chattel mortgage by supplemental indenture.

The indenture of chattel mortgage provides, among other things, that the company will not, without the prior written consent of the holders of not less than a majority in principal amount of the notes outstanding, create any mortgage or other encumbrance upon its property, or declare or pay any dividends except out of earned surplus subsequent to December 31, 1946. The notes may be prepaid in whole or in part at any time without the payment of any premium.

The proposed transactions have been approved by the Arkansas Public Service Commission.

The applicant has requested that the Commission's order herein be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5549; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1538]

COLUMBIA GAS & ELECTRIC CORP. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 5th day of June 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly owned subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"). Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 18, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(a) Cumberland will amend its Articles of Incorporation so as to (1) increase its authorized capital from $2,000,000 to $2,500,000; (2) increase and reclassify its authorized common stock from 20,000 shares without par value to 100,000 shares having a par value of $25 per share; and (3) reclassify its 20,000 shares of outstanding common stock without par value into 80,000 shares of common stock, $25 par value.

(b) Cumberland will issue and sell to Columbia 14,600 shares of new common stock at the par value thereof or $365,000 and $1,800,000 principal amount of 3¼% Installment Promissory Notes. The proceeds from the sale of such securities will be used by Cumberland, together with $1,864 of treasury funds, to retire its $366,864 principal amount of 6% demand notes and $1,800,000 principal amount of 7% First Mortgage Bonds, all held by Columbia.

(c) Cumberland will issue and sell to Columbia an additional $500,000 principal amount of 3¼% notes, the proceeds of which will be used by Cumberland for the purpose of financing its 1947 construction program.

The notes to be issued by Cumberland to Columbia are unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive. Interest on the unpaid principal thereof is to be payable semi-annually on February 15 and August 15. The $500,000 principal amount of notes to be issued by Cumberland for construction purposes are to be issued at such time and in such amounts as funds are required in connection therewith but none of such notes will be issued and sold subsequent to December 31, 1947.

Applicants-declarants state that the Public Service Commission of West Virginia has assumed jurisdiction over the proposed transactions and that the order of approval of such commission will be supplied by amendment.

Applicants-declarants have requested that the order of the Commission granting and permitting the application-declaration to become effective with respect to transactions (a) and (b) above conform to the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code and contain the terms and recitals provided for in said sections.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5548; Filed, June 11, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 5294, Amdt.]

CALISTA MARIE PABST

In re: Bank accounts, claims, securities and interests in mortgages owned by Calista Marie Pabst.

Vesting Order 5294, dated October 24, 1945, is hereby amended as follows and not otherwise: By deleting from subparagraph 2-d of said Vesting Order 5294 the street address "231 W. 49th Street," and substituting therefor the street address "231-49 West 39th Street,"

All other provisions of said Vesting Order 5294 and all action taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5569; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order 9079]

N. WADA

In re: Stock owned by N. Wada. F-39-5288-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That N. Wada, whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One-hundred and fifty (150) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificates numbered SFE62878 for fifty (50) shares; SFE62879 for fifty (50) shares; SFB32199 for twenty-five (25) shares; SFP85363 for one (1) share; SFD66131 for twenty-one and one-half (21½) shares; and SFF4996 for two and one-half (2½) shares, registered in the name of N. Wada, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5564; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order CE 392]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OHIO, MINNESOTA AND INDIANA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was

a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Johanna Van Leeuwen	Holland	William M. Doughty Trust (declaratory judgments No. 2980 and 2981), Probate Court, Hamilton County, Ohio.	(1)	Central Trust Co., trustee, 4th and Vine Streets, Cincinnati, Ohio.	$80.00
		Item 2			
Carl Dahlberg	Norway	Estate of Nettie O. Pederson, deceased. Probate Court, Hennepin County, Minn. File No. 62250.	$626.69	R. Solum, Consul for Norway, Royal Norwegian Consulate, Room 3002, Foshay Tower, Minneapolis 2, Minn.	50.00
		Item 3			
Franziska Geissler	Austria	Estate of Marie Geissler, deceased. Probate Court, Hamilton County, Ohio.	14,590.16	Central Trust Co., 4th and Vine Streets, Cincinnati, Ohio. Account in the name of Franziska Geissler.	85.00
		Item 4			
Elaine Kosberkoff	Greece	Estate of Stoyan T. Kosherkoff, deceased, Allen Superior Court, No. 2, Allen County, Fort Wayne, Indiana; No. 7006.	823.66	Lincoln National Bank and Trust Co., Fort Wayne, Ind. Account in the name of G. Christopoulos, Acting Consul General of Greece at Chicago, Ill., or his successor, in trust for Elaine Kosherkoff, alias Stoyniska Kosherka and Labro Kosherkoff.	23.00
		Item 5			
Labro Kosherkoff	do	Same	823.66	Same	23.00
		Item 6			
Olaf Olsen Engrosten	Norway	Estate of Ole Eng, deceased, Probate Court of St. Louis County, Minn.	112.35	The County Treasurer of St. Louis County, Duluth, Minn.	13.00
		Item 7			
Olivia Olsdatter Larsen	do	Same	112.35	Same	13.00

[1] One-third of income of William M. Doughty trust.

[F. R. Doc. 47-5570; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order 9086]

ROBERT KUSTERMANN

In re: Estate of Robert Kustermann, deceased. File D-28-11792; E. T. sec. 15999.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Wessel, Karl Schulze, Richard Schulze and Irmgard Schulze, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Robert Kustermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Warren A. Ewell, as Administrator with the will Annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Diego;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5520; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9089]

SHIGERU ASADA

In re: Bond owned by Shigeru Asada. D-39-17905-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States Savings Bond, of $50 face value, bearing the number L1589875E registered in the name of Shigeru Asada, presently in the custody of Kyuichi Hayashi, 593 Manono Street, Hilo, Hawaii, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5521; Filed, June 10, 1947 8:46 a. m.]

[Vesting Order 9093]

EMIL KRETLOW

In re: Debts owing to and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased. F-28-23246-C-1, F-28-23246-C-2, F-28-23246-D-2, F-28-23246-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Intertype Corporation, 360 Furman Street, Brooklyn 2, New York, appearing on their books as an account payable to Emil Kretlow, in the amount of $800.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by one (1) Gibson Apartments, Inc. Fifteen Year First Mortgage Bond, due May 31, 1952, of $500.00 face value, bearing the number D087, registered in the name of Emil G. Kretlow, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Sterling National Bank and Trust Company of New York, 1410 Broadway, New York 18, New York, in the amount of $4.17, evidenced by a check, numbered 129, dated June 2, 1941, payable to the order of Emil G. Kretlow, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. One (1) Ritz-Carlton Hotel First Mortgage 6% Gold Bond of $1000.00 face value, bearing the number M4049, and presently in the possession of The Continerital Bank and Trust Company of New York, 30 Broad Street, New York 15, New York, together with any and all rights thereunder and therto, including particularly the right to exchange said bond for 10 shares of Stock of the Ritz-Carlton Hotel Company under a Plan of Reorganization dated June 10, 1946,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5565; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9109]

HEDWIG ARFSTEN LANGER

In re: Bank account and stock owned by Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer. F-28-26487-E-1, F-28-26487-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer, whose last known address is Wyk, Isle of Fohr, Schleswig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer, by First National Bank, Lake Charles, Louisiana, arising out of a checking account, entitled Mrs. Hedgwer Arfsten Langer, and any and all rights to demand, enforce and collect the same,

b. Fifty-five (55) shares of $50.00 par value common capital stock of Lock Moore Co., Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 98, registered in the name of Mrs. Hedwig Arfsten Langer by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans 13, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, recorded in Calcasieu Parish Register Number 238145 and in Jeff Davis Parish Register Number 115942, together with any and all rights thereunder and thereto, and

c. Twenty and one-half (20½) shares of $100.00 par value common capital stock of Edgewood Land & Logging Co. Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 90, registered in the name of Mrs. Hedwig Arfsten Langer by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans 13, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, recorded in Calcasieu Parish Register Number 238141 and in Beauregard Parish Register Number 56872, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5566; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9112]

KIMIKO OKAZAKI

In re: Stock owned by Kimiko Okazaki. F-39-5119-D-1, F-39-5119-D-2, D-27-192-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiko Okazaki, whose last known address is 1180 Tamachi, Ogaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-one (21) shares of $1.00 par value common capital stock of Coty, Inc., 423 West 55th Street, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number WO-4528, registered in the name of Mrs. Kimiko Okazaki, together with all declared and unpaid dividends thereon, and

b. Twenty-one (21) shares of $1.00 par value common capital stock of Coty International Corporation, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 4531, registered in the name of Mrs. Kimiko Okazaki, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5567; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9145]

PAUL WEISS

In re: Bond and mortgage owned by Paul Weiss.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Weiss, whose last known address is Frankenderfer St. 4, Tanna, Ks-Schleiz Thuring, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on April 13, 1928, by Reinhard Weiss and Ella Weiss, his wife, to Paul Weiss, and recorded on April 16, 1928, in the Office of the Clerk of Bergen County, New Jersey, in Book 1049 of Mortgages, at Page 189, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2, above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5568; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order CE 394]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA, MISSISSIPPI, NORTH CAROLINA, MARYLAND, ARKANSAS AND DISTRICT OF COLUMBIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Josephine Barr Kuchlar	Italy	Estate of Blanche B. King, deceased. Orphans' Court, Philadelphia County, Philadelphia, Pa.	$32.00
		Item 2	
Silvia Lante	do	Trust under deed of Susanna Lante, dated Sept. 16, 1935. Orphans' Court, Philadelphia County, Philadelphia, Pa. No. 190 of 1946.	16.00
		Item 3	
Angela Lante Martinengo	do	Same	16.00
		Item 4	
Silvia Lante	do	Estate of Edward Tilghman, deceased. Orphans' Court, Philadelphia County, Philadelphia, Pa. No. 151, July term, 1899.	24.00
		Item 5	
Angela Lante Martinengo	do	Same	24.00
		Item 6	
Antonio Sanna	do	Estate of Frank Sanna, deceased. Orphans' Court, McKean County, Pa	13.00
		Item 7	
Vittoria Sanna Farina	do	Same	13.00
		Item 8	
Silvia Dimporsano Mori	do	Estate of Cesare Mori, deceased. Orphans' Court, Delaware County, Pa	25.00
		Item 9	
Rosaria Provenza	do	Estate of Frank Provenza, deceased. Chancery Court of Washington County, Miss. Cause No. 13274.	23.00
		Item 10	
Salvatore Provenza	do	Same	23.00
		Item 11	
Luciano Provenza	do	Same	23.00
		Item 12	
Concetta Provenza	do	Same	23.00
		Item 13	
Dante Toffoli	do	Estate of A. F. Toffoli, deceased. Superior Court, Mecklenburg County, N. C	25.00
		Item 14	
Antonio Plateo	do	Same	25.00
		Item 15	
Giuditta Toffoli	do	Same	25.00
		Item 16	
Congregation of the Oblates of Mary Immaculate.	do	Trust under the will of Leo P. Manzetti, Circuit Court, Baltimore, Md. Docket A 868-1945	331.00
		Item 17	
Missionari della Consolata	do	Same	331.00
		Item 18	
Church at Rezzaglio	do	Estate of Augustine Arata, deceased, Probate Court, Pulaski County, Little Rock, Arkansas	5.00
		Item 19	
Adelaide Arata Cerri	do	Same	5.00
		Item 20	
Attilia Rasore	do	Same	5.00
		Item 21	
Guiseppe Arata	do	Same	5.00
		Item 22	
Children of Celeste Arata	do	Same	5.00
		Item 23	
Children of Carolina Arata	do	Same	5.00
		Item 24	
Children of Metilda Arata	do	Same	5.00
		Item 25	
Adello Petrocelli	do	Estate of Dominik Petrocelli, deceased. District Court of the United States for the District of Columbia, Holding Probate Court.	15.00
		Item 26	
Giovannino Petrocelli	do	Same	15.00

[F. R. Doc. 47-5572; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order CE 393]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN DELAWARE, CONNECTICUT, NEW JERSEY AND NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Dependents of Victor Dallao	Italy	In the matter of the receivership of International Re-Insurance Corp. in the Court of Chancery of the State of Delaware in and for New Castle County.	$5.00
		Item 2	
Lorenzo Belella or Bella	do	Same	13.00
		Item 3	
Maria Mercaldi	do	Same	23.00
		Item 4	
Dependents of Nicola Monaco	do	Same	66.00
		Item 5	
Dependents of Emilio Bianchini	do	Same	21.00
		Item 6	
Salvatrice Papa	do	Estate of Guiseppe Leone, also known as Giuseppe Leone, deceased. Probate Court, District of Winchester, Winsted, Conn.	39.00
		Item 7	
Rosina Leone	do	Same	39.00
		Item 8	
Anna Leone	do	Same	39.00
		Item 9	
Giuseppe Ferraro	do	Estate of Joseph Ferraro, deceased. Probate Court, District of Winchester, Winsted, Conn	133.50
		Item 10	
Santina Ferraro	do	Same	133.50
		Item 11	
Angelina Spinace	do	Estate of Giuseppe Spinace, deceased. Probate Court, District of New Haven	25.00
		Item 12	
Lea Spinace	do	Same	49.00
		Item 13	
Isolina Macellari	do	Estate of Pietro Orsi, also known as Peter Orsi, Deceased. Essex County Orphans' Court, Essex County Court House, Newark, N. J.	35.00
		Item 14	
Caterina Peveri	do	Same	35.00
		Item 15	
Giovanni Pecora	do	Estate of Nicola Pecora, deceased. Surrogate's Court, New York County, N. Y. Docket No. P2542/1945.	5.00
		Item 16	
Agnes Pecora (daughter of Francesco).	do	Same	5.00
		Item 17	
Domenico Pecora	do	Same	5.00
		Item 18	
Giuseppe Pecora	do	Same	5.00
		Item 19	
Rosina Pecora	do	Same	5.00
		Item 20	
Sylvia Palermo	do	Same	5.00
		Item 21	
Constance Palermo	do	Same	5.00
		Item 22	
Elvira Palermo	do	Same	5.00
		Item 23	
Vincenzo Palermo	do	Same	5.00
		Item 24	
Mary Palermo	do	Same	5.00
		Item 25	
Agnes Pecora (daughter of Domenico).	do	Same	5.00
		Item 26	
Giovanna Pecora	do	Same	5.00
		Item 27	
Agnes Pecora (daughter of Giuseppe).	do	Same	5.00
		Item 28	
Gilda Pecora	do	Same	5.00

[F. R. Doc. 47-5571; Filed, June 11, 1947; 8:59 a. m.]